

HOUSE BILL NO. 320

INTRODUCED BY K. VAN DYK

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CERTAIN MOTOR VEHICLES DISPLAY ONLY ONE OFFICIAL LICENSE PLATE; AMENDING SECTIONS 2-15-151, 2-17-421, 10-2-114, 44-4-205, 44-4-206, 49-4-302, 61-1-101, 61-3-224, 61-3-301, 61-3-302, 61-3-303, 61-3-320, 61-3-321, 61-3-331, 61-3-332, 61-3-333, 61-3-334, 61-3-335, 61-3-402, 61-3-403, 61-3-404, 61-3-405, 61-3-407, 61-3-411, 61-3-412, 61-3-413, 61-3-421, 61-3-422, 61-3-423, 61-3-424, 61-3-425, 61-3-426, 61-3-446, 61-3-448, 61-3-455, 61-3-458, 61-3-459, 61-3-460, 61-3-463, 61-3-464, 61-3-465, 61-3-466, 61-3-468, 61-3-474, 61-3-478, 61-3-479, 61-3-481, 61-3-562, 61-3-701, 61-3-702, 61-3-722, 61-4-101, 61-4-102, 61-4-109, 61-4-123, 61-4-128, 61-4-129, 61-4-130, 61-4-221, 61-4-222, 61-4-223, AND 61-6-304, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-151, MCA, is amended to read:

"2-15-151. Lewis and Clark bicentennial license plates -- authorization to apply as sponsor -- use of proceeds. (1) An applicant for a generic specialty license plate that was sponsored by the former Lewis and Clark bicentennial commission shall make a donation of \$20 to the department of commerce and the Montana historical society as the successors to the Lewis and Clark bicentennial commission upon initial issuance of the license ~~plates~~ plate and a donation of \$20 upon each annual renewal of the license ~~plates~~ plate.

(2) The donation provided for in subsection (1) must be paid to the county treasurer, who shall remit the entire amount to the department of revenue for deposit in the special revenue accounts established in 90-1-115.

(3) ~~Beginning January 1, 2007, the~~ The department of commerce and the Montana historical society shall use money in the special revenue accounts established in 90-1-115 to support projects related to Lewis and Clark."

Section 2. Section 2-17-421, MCA, is amended to read:

"2-17-421. Use -- state business only -- exception -- compensation for driving personal vehicle -- penalty for private use. (1) Except as provided in 2-17-424, a state officer or state employee may not use a state-owned or leased motor vehicle for personal use nor be compensated for driving a personal motor vehicle

1 unless that motor vehicle is used on state business.

2 (2) Except for ~~vehicles~~ a vehicle that ~~have~~ has been approved for ~~a confidential license plates~~ plate by
3 the attorney general in accordance with 44-4-201, a decal must be affixed to the windshield of each state-owned
4 or leased vehicle, with the following information contained on the decal:

5 "Any officer or employee of state government who uses or authorizes the use of any state-owned or
6 leased motor vehicle in violation of the acceptable use rules provided for in 2-17-424 may be removed from office
7 by the head of the department or establishment concerned."

8 (3) The head of a department or agency may terminate the employment of any state employee using
9 state-owned or leased vehicles for personal use in violation of the rules provided for in 2-17-424."

10
11 **Section 3.** Section 10-2-114, MCA, is amended to read:

12 **"10-2-114. Patriotic license plates -- surcharge -- disposition.** (1) Subject to 61-3-472 through
13 61-3-481 and this section, the board may sponsor a generic specialty license plate designed as a patriotic salute
14 to Montana's military veterans.

15 (2) A Montana resident may purchase a patriotic plates plate for a \$15 surcharge to be paid for each
16 ~~original set of plates~~ plate and each renewal. The surcharge is in addition to the one-time administrative fee
17 charged pursuant to 61-3-480(1).

18 (3) The surcharge collected pursuant to this section must be remitted as provided in 61-3-480 and
19 deposited to the veterans' services account established in 10-2-112(1)."

20
21 **Section 4.** Section 44-4-205, MCA, is amended to read:

22 **"44-4-205. Use of confidential plates and registrations.** (1) ~~Such~~ A confidential license ~~plates~~ plate
23 and ~~registrations~~ registration may be displayed and used only during and in the furtherance of official law
24 enforcement investigations or for purposes as authorized in 44-4-201(2).

25 (2) ~~Such~~ A confidential ~~plates~~ plate and ~~certificates~~ certificate of registration may be used outside the
26 state by a federal agencies and or state agencies agency upon application to the attorney general."

27
28 **Section 5.** Section 44-4-206, MCA, is amended to read:

29 **"44-4-206. Revocation.** ~~Such registrations~~ A confidential registration may be revoked at any time by the
30 attorney general at ~~his~~ the attorney general's discretion. On delivery of notice of revocation, the registrant shall,

1 within 24 hours, deliver ~~such the~~ license ~~plates~~ plate and certificate of registration to the attorney general or ~~his~~
2 the attorney general's duly appointed agent."

3
4 **Section 6.** Section 49-4-302, MCA, is amended to read:

5 **"49-4-302. Privileges of permitholder -- privilege for disabled veteran -- exemptions from time**
6 **limits -- requirements for special parking spaces.** (1) The parking permit issued under this part, when
7 displayed, entitles a person to park a motor vehicle in a special parking space reserved for a person with a
8 disability, whether on public property or on private property available for public use, when the person for whom
9 the permit was issued is using the special parking space to enter or exit the vehicle.

10 (2) A vehicle may not be parked in a parking space on public or private property that is clearly identified
11 by an official sign as being reserved for use by a person with a disability unless:

12 (a) the vehicle is lawfully displaying a parking permit issued under this part, a distinguishing license plate
13 or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges
14 similar to those conferred in subsection (1), or a specially inscribed license plate displaying the letters "DV" issued
15 under 61-3-458(3)(b) or (3)(i) or displaying a wheelchair as provided in 61-3-332(9); and

16 (b) the reserved parking space is being used by the person for whom the permit, plate, or placard was
17 issued to enter or exit the vehicle.

18 (3) The governing body of a city, town, or county may exempt ~~vehicles~~ a vehicle lawfully displaying a
19 parking ~~permits~~ permit issued under this part and ~~vehicles~~ a vehicle lawfully displaying a specially inscribed
20 license ~~plates~~ plate displaying the letters "DV" issued under 61-3-458(3)(b) or (3)(i) or displaying a wheelchair
21 as provided in 61-3-332(9) and parked in public places along public streets from any time limitation imposed upon
22 parking, except in areas where:

23 (a) stopping, standing, or parking of all vehicles is prohibited;

24 (b) only special vehicles may be parked; or

25 (c) parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

26 (4) In accordance with subsection (2), the governing body of a city, town, or county or appropriate state
27 agency may impose all, but not less than all, of the following requirements with respect to any special parking
28 space constructed after September 30, 1985, and reserved for a person with a disability or a permitholder on
29 ways of this state open to the public, as defined in 61-8-101:

30 (a) The space must be located on a smooth, level surface as near as practicable to building entrances

1 or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate
2 wheelchairs.

3 (b) If parallel to curbside, the parking space must be separated from an adjacent space, either in the front
4 or the rear, by at least 5 feet of striped no-parking area.

5 (c) If at an angle to curbside, the parking space must be at least 8 feet wide and free of obstruction if
6 located at the end of a line of angle parking spaces, and each other angle parking space designated for a person
7 with a disability must be at least 13 feet wide.

8 (d) A parking space reserved for a person with a disability must be designated by a sign showing the
9 international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation.
10 In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a
11 decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not obscured
12 by a vehicle parked in the space."

13
14 **Section 7.** Section 61-1-101, MCA, is amended to read:

15 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
16 definitions apply:

17 (1) (a) "Authorized agent" means a person who has executed a written agreement with the department
18 and is specifically authorized by the department to electronically access and update the department's motor
19 vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or
20 purposes upon behalf of a third party.

21 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited
22 partnership, limited liability company, association, joint venture, state agency, local government unit, another state
23 government, the United States, a political subdivision of this or another state, or any other legal or commercial
24 entity.

25 (2) "Authorized agent agreement" means the written agreement executed between an authorized agent
26 and the department that sets the technical and operational program standards, compliance criteria, payment
27 options, and service expectations by which the authorized agent is required to operate in performing specific
28 motor vehicle or driver-related record functions.

29 (3) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the
30 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the

1 transportation of persons for compensation.

2 (4) (a) "Business entity" means a corporation, association, partnership, limited liability partnership, limited
3 liability company, or other legal entity recognized under state law.

4 (b) The term does not include an individual.

5 (5) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to
6 an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a
7 cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

8 (b) The term does not include a truck canopy cover or topper.

9 (6) "Certificate of title" means the paper record issued by the department or by the appropriate agency
10 of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons
11 and the motor vehicle specifically described in the record and that provides notice of a perfected security interest
12 in the motor vehicle.

13 (7) "Commercial driver's license" means:

14 (a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate
15 a class of commercial motor vehicle; and

16 (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid
17 commercial driver's license.

18 (8) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
19 commerce to transport passengers or property if the vehicle:

20 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more,
21 whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

22 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is
23 greater;

24 (iii) is designed to transport at least 16 passengers, including the driver;

25 (iv) is a school bus; or

26 (v) is of any size and is used in the transportation of hazardous materials as defined in 61-8-801.

27 (b) The following vehicles are not commercial motor vehicles:

28 (i) an authorized emergency service vehicle:

29 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

30 (B) entitled to the exemptions granted under 61-8-107;

1 (ii) a vehicle:

2 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

3 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana
4 within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles
5 of the farm, including any area within that perimeter that is in the adjoining state; and

6 (C) not used to transport goods for compensation or for hire; or

7 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
8 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
9 personnel in part-time national guard training, and national guard military technicians, or active duty United States
10 coast guard personnel.

11 (c) For purposes of this subsection (8):

12 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or
13 crops or the raising of livestock owned by or under the direct control of that person;

14 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight
15 of a combination or articulated vehicle;

16 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of
17 a single vehicle; and

18 (iv) "school bus" has the meaning provided in 49 CFR 383.5.

19 (9) "Commission" means the state transportation commission.

20 (10) "Custom-built motorcycle" means a motorcycle that is equipped with:

21 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
22 altered from the manufacturer's original design;

23 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been
24 constructed in whole or in part from nonoriginal materials.

25 (11) "Custom vehicle" means a motor vehicle other than a motorcycle that:

26 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

27 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
28 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least
29 25 years old; and

30 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal

1 materials.

2 (12) "Customer identification number" means:

3 (a) a driver's license or identification card number when the customer is an individual who has been
4 issued a driver's license or identification card by a state driver licensing authority;

5 (b) a federal employer or tax identification number when the customer is a business entity that has been
6 issued a federal employer or tax identification number;

7 (c) the identification number assigned by the secretary of state to a business entity authorized to do
8 business in this state under Title 35 if the customer is a business entity that does not have a federal employer
9 or tax identification number other than a social security number; or

10 (d) if the customer has not been issued one of the numbers described in subsections (12)(a) through
11 (12)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

12 (13) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the
13 business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers,
14 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special
15 mobile equipment that is not registered in the name of the person.

16 (b) The term does not include the following:

17 (i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting
18 under a judgment or order of any court of competent jurisdiction;

19 (ii) employees of the persons included in subsection (13)(b)(i) when engaged in the specific performance
20 of their duties as employees; or

21 (iii) public officers while performing or in the operation of their duties.

22 (14) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load
23 to be carried on the vehicle as stated by the registrant in the application for registration.

24 (15) "Department" means the department of justice acting directly or through its duly authorized officers
25 or agents.

26 (16) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer
27 tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

28 (17) "Domiciled" means a place where:

29 (a) an individual establishes residence;

30 (b) a business entity maintains its principal place of business;

(c) the business entity's registered agent maintains an address; or

(d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer, or pole trailer that it owns or leases.

(18) "Driver" means a person who drives or is in actual physical control of a vehicle.

(19) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

(a) any temporary license or instruction permit;

(b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

(c) any nonresident's driving privilege;

(d) a motorcycle endorsement; or

(e) a commercial driver's license.

(20) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 12 1/2 miles an hour.

(21) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

(22) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the vehicle.

(23) "Highway" or "public highway" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

(24) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(25) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

(26) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

(a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or

(b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain, commonly referred to as a donor vehicle.

(27) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

(28) "Manufactured home" has the meaning provided in 15-24-201.

(29) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers, semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular business.

(30) "Manufacturer's certificate of origin" means the original paper record produced and issued by the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of ownership of the vehicle to the person or persons named in the certificate.

(31) (a) "Medium-speed electric vehicle" is a motor vehicle, upon or by which a person may be transported, that:

(i) has a maximum speed of 35 miles an hour as certified by the manufacturer;

(ii) is propelled by its own power, using an electric motor or other device that transforms stored electrical energy into the motion of the vehicle;

(iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power grid or from renewable electrical energy sources;

(iv) is fully enclosed and includes at least one door for entry;

(v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

(vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle identification number as provided in 49 CFR, part 565;

(vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that indicates the vehicle's maximum speed rating; and

(viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

(b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and registration under Title 61, chapter 3.

(32) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

(33) "Montana resident" means:

(a) an individual who resides in Montana as determined under 1-1-215;

(b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a registered agent in this state.

(34) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

(b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard or any successor federal agency.

(35) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by a court that are operating motor vehicles upon a public highway in this state for the transportation of property for hire on a commercial basis.

(b) The term does not include motor carriers regulated under Title 69, chapter 12.

(36) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger.

(b) The term does not include a tractor, a bicycle as defined in 61-8-102, a motorized nonstandard vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

(37) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces 5 horsepower or less.

(b) The term does not include a bicycle, as defined in 61-8-102, or a motorized nonstandard vehicle.

(38) "Motor home" means a motor vehicle:

(a) designed to provide temporary living quarters, built as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van;

(b) containing permanently installed independent life support systems that meet the ANSI/A119.2 standard; and

(c) providing at least four of the following types of facilities:

(i) cooking, refrigeration, or icebox;

(ii) self-contained toilet;

(iii) heating or air-conditioning, or both;

(iv) potable water supply, including a faucet and sink; or

(v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply; or both.

1 (39) (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be
2 transported, that:

3 (i) is propelled by its own power, using an internal combustion engine or an electric motor;

4 (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

5 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
6 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

7 (b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a
8 "pocket rocket".

9 (c) The term does not include an electric personal assistive mobility device or a motorized wheelchair
10 or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled
11 person.

12 (40) (a) "Motor vehicle" means:

13 (i) a vehicle propelled by its own power and designed or used to transport persons or property upon the
14 highways of the state; and

15 (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9.

16 (b) The term does not include a bicycle as defined in 61-8-102, an electric personal assistive mobility
17 device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered, mechanically propelled
18 vehicle that is designed specifically for use by a physically disabled person and that is used as a means of
19 mobility for that person.

20 (41) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or
21 equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as
22 the result of a retail sale.

23 (42) "Nonresident" means a person who is not a Montana resident.

24 (43) (a) "Not used for general transportation purposes" means the operation of a motor vehicle, registered
25 as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or motorcycle
26 club activity or event or an exhibit, show, cruise night, or parade, or other occasional transportation activity.

27 (b) The term does not include operation of a motor vehicle for routine or ordinary household
28 maintenance, employment, education, or other similar purposes.

29 (44) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country
30 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to

1 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land
2 transportation deriving motive power from any source other than muscle or wind.

3 (b) The term does not include:

4 (i) vehicles designed primarily for travel on, over, or in the water;

5 (ii) snowmobiles; or

6 (iii) motor vehicles designed to transport persons or property upon the highways unless the vehicle is
7 used for off-road recreation on public lands.

8 (45) "Operator" means a person who is in actual physical control of a motor vehicle.

9 (46) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
10 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
11 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the
12 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
13 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
14 person in whom is vested the right of possession or control.

15 (47) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

16 (48) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering
17 a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting,
18 standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

19 (49) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and attached
20 to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle
21 and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members
22 capable generally of sustaining themselves as beams between the supporting connections.

23 (50) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
24 violations of traffic regulations.

25 (51) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having
26 a seat or saddle upon which the operator sits and a motor capable of producing not more than 50 horsepower.

27 (b) The term does not include golf carts.

28 (52) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon
29 stationary rails.

30 (53) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars

1 coupled to the engine, that is operated upon rails.

2 (b) The term does not include streetcars.

3 (54) "Recreational vehicle" includes a motor home, travel trailer, or camper.

4 (55) "Registration" or "register" means the act or process of creating an electronic record, maintained by
5 the department, of the assignment of a license plate ~~or a set of license plates~~ to and the issuance of a registration
6 decal for a specific vehicle, the ownership of which has been established or is presumed in department records.

7 (56) "Registration decal" means an adhesive sticker produced by the department and issued by the
8 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole
9 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
10 registration period indicated on the sticker as recorded by the department under 61-3-101.

11 (57) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
12 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer
13 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title
14 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the
15 vehicle for the registration period indicated in the receipt.

16 (58) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
17 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
18 other than resale.

19 (59) "Revocation" means the termination by action of the department of a person's driver's license,
20 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license
21 for a period of time designated by law, during which the license or privilege may not be renewed, restored, or
22 exercised. An application for a new license may be presented and acted upon by the department after the
23 expiration of the period of the revocation.

24 (60) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
25 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,
26 the term refers to any roadway separately but not to all roadways collectively.

27 (61) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

28 (b) The term does not include a canoe or kayak propelled by wind.

29 (62) "Sell" means to transfer ownership from one person to another person or from a dealer to another
30 person for consideration.

(63) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(64) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that is not otherwise registered or licensed under the laws of the state of Montana.

(65) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

(66) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

(i) was not originally constructed under a distinctive make, model, or type by a generally recognized manufacturer of motor vehicles;

(ii) has been structurally modified so that it does not have the same appearance as similar vehicles from a generally recognized manufacturer of motor vehicles;

(iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from other vehicles;

(iv) has been constructed or assembled by using major component parts from one or more manufactured vehicles and that cannot be identified as a specific make or model; or

(v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.

(b) The term does not include a motor vehicle that has been repaired or restored to its original design by replacing parts.

(67) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is constructed on a truck chassis or that has special features for occasional off-road use.

(b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

(68) (a) "Stop", when required, means complete cessation from movement.

(b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, highway patrol officer, or traffic control sign or signal.

(69) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when space at the dealer's established place of business is not available.

(70) "Street" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

(71) "Street rod" means a motor vehicle, other than a motorcycle, that:

(a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949, including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

(b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

(72) "Suspension" means the temporary withdrawal by action of the department of a person's driver's license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's license for a period of time designated by law.

(73) "Temporary registration permit" means a paper record:

(a) issued by the department, an authorized agent, a county treasurer, or a person, using a department-approved electronic interface after an electronic record has been transmitted to the department, that contains:

(i) required vehicle and owner information; and

(ii) the purpose for which the record was generated; and

(b) that, when placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.

(74) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel.

(75) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

(76) "Transaction summary receipt" means an electronic record produced and issued by the department,

its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain a unique transaction record number and summarize and verify the electronic filing of the transaction described in the receipt on the electronic record of title maintained under 61-3-101.

(77) "Travel trailer" means a vehicle:

(a) that is 40 feet or less in length;

(b) that is of a size or weight that does not require special permits when towed by a motor vehicle;

(c) with gross trailer area of less than 320 square feet; and

(d) that is designed to provide temporary facilities for recreational, travel, or camping use and not used as a principal residence.

(78) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(79) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

(80) "Under the influence" has the meaning provided in 61-8-401.

(81) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, given away, or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what is commonly known as "secondhand" within the ordinary meaning of that term.

(82) "Van" means a motor vehicle designed for the transportation of at least six persons and not more than nine persons and intended for but not limited to family or personal transportation without compensation.

(83) (a) "Vehicle" means a device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails or tracks.

(b) The term does not include a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

(84) "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

(85) "Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(86) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

Section 8. Section 61-3-224, MCA, is amended to read:

"61-3-224. Temporary registration permit -- issuance -- placement -- fees. (1) (a) The department, an authorized agent, or a county treasurer may issue a temporary registration permit to:

(i) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle or vessel prior to titling and registration of the vehicle or vessel under this chapter;

(ii) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212;

(iii) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation of the vehicle while awaiting production and receipt of a special or duplicate license ~~plates~~ plate ordered for the vehicle under this chapter;

(iv) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence;

(v) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply fertilizer to agricultural lands into the state for special demonstration in this state; or

(vi) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession.

(b) An authorized agent or a county treasurer may issue a temporary registration permit without use of the department-approved electronic interface only if authorized by the department.

(2) A person, using a department-approved electronic interface, may issue a temporary registration permit for the specified purposes if the person is:

(a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer,

1 motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the
2 vehicle or vessel prior to titling and registration of the vehicle or vessel under this chapter;

3 (b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior
4 to applying for a new certificate of title under 61-3-212;

5 (c) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state
6 for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of
7 residence; or

8 (d) a financial institution located in Montana that intends to allow a prospective purchaser to demonstrate
9 a motor vehicle that the financial institution has obtained following repossession.

10 (3) A temporary registration permit issued under this section must contain the following information:

11 (a) a temporary plate number, registration receipt number, or transaction record number, as prescribed
12 by the department;

13 (b) the expiration date of the temporary registration permit; and

14 (c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer,
15 motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification
16 number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
17 motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and
18 residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
19 motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

20 (4) A temporary registration permit for:

21 (a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the
22 rear exterior of the vehicle where a license plate is required to be displayed; and

23 (b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle
24 must be plainly visible and firmly attached to the vehicle or vessel.

25 (5) (a) Except as provided in 61-3-431 and subsection (5)(b) of this section, a \$3 fee is imposed upon
26 issuance of a temporary registration permit by the department, an authorized agent, or a county treasurer. The
27 fee must be paid by the owner of the vehicle or vessel and collected by the department, the authorized agent,
28 or a county treasurer when the vehicle is registered.

29 (b) Except as provided in 61-3-431, a fee of \$8 is imposed and must be paid upon issuance of a
30 temporary registration permit by:

(i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires a vehicle or vessel in this state; or

(ii) a person who issued a temporary registration permit using a department-approved electronic interface.

(6) The fees imposed under this section, upon collection, must be forwarded to the state and deposited in the motor vehicle electronic commerce operating account provided for in 61-3-118.

(7) If a temporary registration permit is issued under this section to a person to whom ownership of a vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."

Section 9. Section 61-3-301, MCA, is amended to read:

"61-3-301. Registration -- license plate required -- display. (1) (a) Except as provided in 61-4-120, 61-4-129, and subsection (1)(b) of this section, a person may not operate a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer upon the public highways of Montana unless the motor vehicle, trailer, semitrailer, pole trailer, or travel trailer is properly registered and has the proper license ~~plates~~ plate conspicuously displayed on the rear of the motor vehicle, trailer, semitrailer, pole trailer, or travel trailer. ~~A~~ The license plate must be securely fastened to prevent it from swinging and may not be obstructed from plain view.

~~(b) A motorcycle, quadricycle, trailer, semitrailer, pole trailer, or travel trailer must have a single license plate displayed on the rear of the vehicle. A custom vehicle or street rod registered under 61-3-320(1)(b) or (1)(c)(iii) may display a single license plate firmly attached to the rear exterior of the custom vehicle or street rod. All other motor vehicles must have one license plate displayed on the front and one license plate displayed on the rear of the motor vehicle.~~

~~——(e)(b)~~ A person may not display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer at the same time a number assigned to it under any motor vehicle law except as provided in this chapter.

(2) A person may not purchase or display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county where the vehicle is domiciled or the county where the trailer, semitrailer, pole trailer, or travel trailer is domiciled at the time of application for registration.

(3) It is unlawful to:

(a) display a license ~~plates~~ plate issued to one motor vehicle, trailer, semitrailer, pole trailer, or travel trailer on any other motor vehicle, trailer, semitrailer, pole trailer, or travel trailer unless legally transferred as

provided by statute;

(b) repaint an old license ~~plates~~ plate to resemble a current license ~~plates~~ plate; or

(c) display a prior design of a standard license ~~plates~~ plate issued under 61-3-332(3)(a) or a special license ~~plates~~ plate issued under 61-3-332(8) or 61-3-421 more than 18 months after a new design of a standard license ~~plates~~ plate or a special license ~~plates~~ plate has been issued, except as provided in 61-3-332(3)(b) and (3)(c), 61-3-448, or 61-3-468.

(4) For the purposes of this section, "conspicuously displayed" means that the required license ~~plates~~ are plate is obviously visible and firmly attached to:

(a) ~~the front bumper and the rear bumper of a motor vehicle equipped with front and a rear bumpers bumper;~~ except for a custom vehicle or street rod as provided in subsection (1)(b);

(b) the rear exterior of a custom vehicle or street rod; or

~~(b)(c)~~ a clearly visible location on the rear of a motorcycle, quadricycle, trailer, semitrailer, pole trailer, or travel trailer, or motor vehicle that is not equipped with a rear bumper."

Section 10. Section 61-3-302, MCA, is amended to read:

"61-3-302. Residents operating motor vehicles under licenses issued by any state other than Montana forbidden -- vehicles exempt from registration -- exceptions. (1) (a) A resident of the state of Montana who owns a motor vehicle, trailer, semitrailer, or pole trailer may not operate the motor vehicle, trailer, semitrailer, or pole trailer with a license ~~plates~~ plate issued by any other state than Montana.

(b) A person who has resided in Montana for more than 60 consecutive days is considered to be a resident for the purpose of vehicle titling and registration laws, and a motor vehicle, trailer, semitrailer, or pole trailer owned by the person must be titled and registered under the laws of Montana prior to operation in this state after the 60-day period.

(2) A motor vehicle, trailer, semitrailer, or pole trailer driven or moved upon a highway in this state and owned by a nonresident of this state is exempt from registration under this chapter if:

(a) the vehicle is properly registered in and displays the valid license ~~plates~~ plate of the jurisdiction in which the nonresident owner resides; and

(b) (i) the vehicle is not used for the transportation of persons or property for hire, compensation, or profit;

(ii) the nonresident owner is not employed or engaged in a commercial or business enterprise in this state; or

(iii) the vehicle is used for the exclusive purpose of filming motion pictures or television commercials and does not remain in the state for a period in excess of 180 consecutive days in a calendar year.

(3) A motor vehicle, trailer, semitrailer, or pole trailer that is owned by a manufacturer, a dealer, a wholesaler, or an auto auction and that is held for sale is exempt from registration under this part even though the motor vehicle, trailer, semitrailer, or pole trailer is incidentally moved on the highway and is used for purposes of testing or demonstration or is used by a manufacturer solely for testing.

(4) A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven to an auto wrecking graveyard for disposal is exempt from the provisions of this chapter."

Section 11. Section 61-3-303, MCA, is amended to read:

"61-3-303. Original registration -- process -- fees. (1) Except as provided in 61-3-324, a Montana resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer in the county where the owner is domiciled.

(2) Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

(a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(b) the county treasurer confirms that the department has an electronic record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

(3) (a) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certificate of title. The new owner may submit an application for certificate of title, subject to the registration renewal limitations of 61-3-312.

(4) Upon registering a motor vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the

1 county treasurer shall:

2 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
3 61-3-101;

4 (b) assign a registration period for the vehicle under 61-3-311;

5 (c) determine the vehicle's age, if required, under 61-3-501;

6 (d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5);

7 and

8 (e) assign and issue a license plates plate for the vehicle under 61-3-331.

9 (5) Unless otherwise provided by law, a person registering a motor vehicle shall pay to the county
10 treasurer:

11 (a) the fees in lieu of tax or registration fees as required for:

12 (i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or fee
13 under 61-3-537 or 61-3-570;

14 (ii) a motor home under 61-3-321;

15 (iii) a travel trailer under 61-3-321;

16 (iv) a motorcycle or quadricycle under 61-3-321;

17 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
18 61-3-321 and 61-3-529; or

19 (vi) a trailer under 61-3-321;

20 (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
21 awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact
22 anatomical gifts; and

23 (c) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
24 education on, support for, and awareness of traumatic brain injury.

25 (6) The county treasurer may not issue a registration receipt or a license plates plate for the motor
26 vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by
27 subsection (5).

28 (7) The department may make full and complete investigation of the registration status of the motor
29 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole
30 trailer under this section shall provide additional information to support the registration to the department if

1 requested.

2 (8) Revenue that accrues from the voluntary donation provided in subsection (5)(b) must be forwarded
3 by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to
4 the credit of an account established by the department of public health and human services to support activities
5 related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

6 (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or
7 collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer
8 that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the
9 travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who
10 registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a travel
11 trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is
12 transferred.

13 (b) Whenever ownership of a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is
14 transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, trailer, semitrailer,
15 or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax,
16 taxes, and fees.

17 (10) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded
18 by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to
19 the credit of the account established in 2-15-2218 to support activities related to education regarding prevention
20 of traumatic brain injury."

21
22 **Section 12.** Section 61-3-320, MCA, is amended to read:

23 **"61-3-320. Registration -- custom vehicle, street rod, originally equipped older vehicle, kit vehicle,**
24 **or specially constructed vehicle.** (1) (a) A custom vehicle or street rod:

25 (i) that is more than 30 years old may be registered under 61-3-411 as a collector's item; or
26 (ii) may be registered, depending on the vehicle type, as a motor home, a bus, a truck having a
27 manufacturer's rated capacity of more than 1 ton, a truck tractor, or a light vehicle upon payment of the
28 registration fee required in 61-3-321, the applicable fee or fee in lieu of tax provided for in 61-3-529 or 61-3-562,
29 and, if applicable, any local option tax or fee under 61-3-537 or 61-3-570.

30 ~~(b) The owner of a custom vehicle or street rod that is originally registered under subsection (1)(a) or~~

1 that was registered prior to January 1, 2006, may be authorized to operate the custom vehicle or street rod while
2 displaying only one license plate on the rear exterior of the vehicle if the owner certifies that the custom vehicle
3 or street rod is not used for general transportation purposes and pays an additional \$10 fee, to be deposited in
4 the state general fund.

5 (c)(b) (i) Upon original registration of a custom vehicle or street rod under subsection (1)(a)(i), either a
6 set of pioneer or vintage license plates plate, as described in 61-3-411(2), or a set of an original Montana license
7 plates plate, as allowed under 61-3-412(1), must be assigned and issued to the custom vehicle or street rod.

8 (ii) Upon original registration of a custom vehicle or street rod under subsection (1)(a)(ii) and unless the
9 owner has applied for a personalized license plates plate, a special license plates plate for military personnel,
10 veterans, or spouses, a collegiate plates plate, or a generic specialty license plates plate or has met the
11 requirements of subsection (1)(b), a set of standard license plates plate must be assigned to the vehicle under
12 61-3-331.

13 (iii) Upon original registration of a custom vehicle or street rod under subsection (1)(a)(ii) and if the owner
14 of a custom vehicle or street rod has met the requirements of subsection (1)(b), a single license plate, including
15 a personalized standard license plate, special license plate for military personnel, veterans, or spouses, collegiate
16 plate, or generic specialty license plate, if otherwise available to the vehicle owner or vehicle type, may be issued
17 for the custom vehicle or street rod.

18 (d) The owner of an originally equipped motor vehicle, other than a motorcycle, that is more than 30
19 years old and that is not registered as a collector's item under 61-3-411 may be authorized to operate the motor
20 vehicle while displaying only one license plate on the rear exterior of the vehicle, as if it were a custom vehicle
21 or street rod, if the owner:

22 ——— (i) certifies that the originally equipped motor vehicle is not used for general transportation purposes;

23 ——— (ii) pays any fees required under 61-3-321, 61-3-529, or 61-3-562 and, if applicable, a local option tax
24 or fee under 61-3-537 or 61-3-570, plus an additional \$10 fee, to be deposited in the state general fund; and

25 (iii) is otherwise eligible, based on the owner's status and the vehicle type, for one of the single license
26 plate options available to an owner of a custom vehicle or street rod under this subsection (1).

27 (2) (a) The owner of a kit vehicle shall pay the registration fees provided for in 61-3-321 and, if
28 applicable, any local option tax or fee under 61-3-537 or 61-3-570.

29 (b) Upon original registration of a kit vehicle and unless the owner has applied for a special license plates
30 plate, a collegiate plates plate, or a generic specialty license plates plate, a standard license plates plate must

1 be assigned and issued to the kit vehicle under 61-3-331.

2 (3) (a) Depending on whether the specially constructed vehicle is a motor home, bus, truck having a
3 manufacturer's rated capacity of more than 1 ton, truck tractor, or light vehicle, the owner of a specially
4 constructed vehicle shall pay the registration fees provided for in 61-3-321, any registration fee or fee in lieu of
5 tax provided for in 61-3-529, and, if applicable, any local option tax or fee under 61-3-537 or 61-3-570.

6 (b) Upon original registration of a specially constructed vehicle and unless the owner has applied for a
7 special license ~~plates~~ plate, a collegiate ~~plates~~ plate, or a generic specialty license ~~plates~~ plate, a standard license
8 ~~plates~~ plate must be assigned and issued to the specially constructed vehicle under 61-3-331."

9
10 **Section 13.** Section 61-3-321, MCA, is amended to read:

11 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
12 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
13 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
14 semitrailers, and pole trailers as provided in subsections (2) through (19):

15 (2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light
16 vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

17 (a) if the vehicle is 4 or less years old, \$217;

18 (b) if the vehicle is 5 through 10 years old, \$87; and

19 (c) if the vehicle is 11 or more years old, \$28;

20 (3) Except as provided in subsection (14), the one-time registration fee based on the declared weight
21 of a trailer, semitrailer, or pole trailer is as follows:

22 (a) if the declared weight is less than 6,000 pounds, \$61.25; or

23 (b) if the declared weight is 6,000 pounds or more, \$148.25.

24 (4) Except as provided in subsection (14), the one-time registration fee for motor vehicles owned and
25 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

26 (a) 2,850 pounds and over, \$10; and

27 (b) under 2,850 pounds, \$5.

28 (5) Except as provided in subsection (14), the one-time registration fee for off-highway vehicles other
29 than a quadricycle or motorcycle is \$61.25.

30 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

(7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, \$282.50;

(ii) 2 years old and less than 5 years old, \$224.25;

(iii) 5 years old and less than 8 years old, \$132.50; and

(iv) 8 years old and older, \$97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of \$237.50; and

(ii) if applicable, five times the renewal fees for a personalized license plates ~~plates~~ plate under 61-3-406.

(8) (a) Except as provided in subsection (14), the one-time registration fee for motorcycles and quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

(b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(9) Except as provided in subsection (14), the one-time registration fee for travel trailers, based on the length of the travel trailer, is as follows:

(a) under 16 feet in length, \$72; and

(b) 16 feet in length or longer, \$152.

(10) Except as provided in subsection (14), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, \$65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, \$125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

(11) (a) Except as provided in subsections (11)(b) and (14), the one-time registration fee for a snowmobile is \$60.50.

(b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of \$40.50 in the first year of registration; and

1 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

2 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently
3 registered and the business is assessed the registration fee imposed in subsection (11)(a).

4 (12) A fee of \$5 must be collected when a new ~~set of standard license plates, a new~~ single standard
5 license plate, ~~or a replacement set of special license plates required under 61-3-332~~ is issued. The \$5 fee
6 imposed under this subsection does not apply when a previously issued license plates are plate is transferred
7 under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the ~~plates~~
8 are plate is transferred is not currently registered.

9 (13) The provisions of this part with respect to the payment of registration fees do not apply to and are
10 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
11 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
12 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e),
13 (1)(f), (1)(g), (1)(i), (1)(j), (1)(l), or (1)(m), 15-6-203, or 15-6-215, except as provided in 61-3-520.

14 (14) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
15 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
16 or motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411 is transferred, the new
17 owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under
18 this section.

19 (15) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

20 (16) Except as otherwise provided in this section, revenue collected under this section must be deposited
21 in the state general fund.

22 (17) The fees imposed by subsections (2) through (11) are not required to be paid by a dealer for the
23 enumerated vehicles or vessels that constitute inventory of the dealership.

24 (18) (a) Unless a person exercises the option in subsection (18)(b), an additional fee of \$4 must be
25 collected for each light vehicle registered under this part. This fee must be accounted for and transmitted
26 separately from the registration fee. The fee must be deposited in an account in the state special revenue fund
27 to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee,
28 the department of fish, wildlife, and parks shall use \$3.50 for state parks, 25 cents for fishing access sites, and
29 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

30 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person

1 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
2 not to pay the additional \$4 fee provided for in subsection (18)(a). If a written election is made, the fee may not
3 be collected.

4 (19) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
5 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be
6 collected and forwarded to the state for deposit in the account established in 44-1-504.

7 (20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
8 61-3-721."

9
10 **Section 14.** Section 61-3-331, MCA, is amended to read:

11 **"61-3-331. Assignment of license plates plate.** The county treasurer shall, at the time of issuing a
12 registration receipt under 61-3-322, assign the motor vehicle, trailer, semitrailer, or pole trailer a distinctive license
13 plate number and, unless the license ~~plates~~ plate must be specially ordered from the department, deliver to the
14 applicant, ~~depending on the type of motor vehicle that was registered, a set of two license plates or one a license~~
15 ~~plate, each of which must bear~~ that bears the assigned distinctive number."

16
17 **Section 15.** Section 61-3-332, MCA, is amended to read:

18 **"61-3-332. Standard license plates.** (1) In addition to special license plates, collegiate license plates,
19 generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of
20 standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and
21 pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license
22 plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles
23 owned by other persons.

24 (2) (a) Except as provided in 61-3-479 and subsections (2)(b), (3)(b), and (3)(c) of this section, all
25 standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking,
26 as determined by the department, and be furnished by the department. In years when standard license plates
27 are not issued, the department shall provide a registration decal that must be affixed to the ~~rear~~ license plate of
28 the vehicle.

29 (b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles
30 described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration

1 decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear
2 license plate of the permanently registered motor vehicle.

3 (3) (a) Beginning January 1, 2010, and every 4 years after that date, the department shall manufacture
4 and issue new standard license plates to replace previously issued standard license plates upon renewal.

5 (b) A motor vehicle that is registered for a 13-month to a 24-month period, as provided in 61-3-311, may
6 display the license plate and plate design in effect at the time of registration for the entire registration period.

7 (c) A light vehicle described in subsection (2)(b) or a motor home that is permanently registered may
8 display the license plate and plate design in effect at the time of registration for the entire period that the light
9 vehicle or motor home is permanently registered.

10 (4) For trailers and motor vehicles, other than motorcycles and quadricycles, plates must be of metal 6
11 inches wide and 12 inches in length. Except for generic specialty license plates, the outline of the state of
12 Montana must be used as a distinctive border on all license plates, and the word "Montana" must be placed on
13 each license plate. All license plates must be treated with a reflectorized background material according to
14 specifications prescribed by the department.

15 (5) The distinctive registration numbers for standard license plates must begin with a number one or with
16 a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers.
17 Except for special license plates, collegiate license plates, generic specialty license plates, and fleet license
18 plates, the distinctive registration number or letter-number combination assigned to the motor vehicle must appear
19 on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal
20 baseline. The county number must be separated from the distinctive registration number by a separation mark
21 unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by
22 the department, and all county and registration numbers must be of equal height.

23 (6) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles,
24 trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in 61-3-321, in addition
25 to the markings provided in this section, standard license plates must bear the following distinctive markings:

26 (a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may
27 designate the prefix number for the various state departments. All numbered plates issued to state departments
28 must bear the words "State Owned", and a year number may not be indicated on the plates because these
29 numbered plates are of a permanent nature and will be replaced by the department only when the physical
30 condition of numbered plates requires it.

(b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for motor vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the standard license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these standard license plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the license plates requires it and a year number may not be displayed on the plates.

(7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they are formed, beginning with the number 57.

(8) (a) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection (5), except that the county number must be replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this section, ~~the a special plates are plate is~~ plate is subject to the same rules and laws as govern the issuance of standard license plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who is eligible to receive ~~them~~ it, with the registration decal affixed to the ~~rear license plate of the motor vehicle, trailer, semitrailer, or pole trailer~~ plate, and must be removed upon sale or other disposition of the motor vehicle, trailer, semitrailer, or pole trailer.

(b) Beginning January 1, 2008, and every succeeding 4 years, the department shall manufacture and

1 issue a new ~~set of~~ special license ~~plates~~ plate, bearing the same design and, if requested by the owner, the same
2 plate number to replace, upon renewal of the registration of a motor vehicle under 61-3-314 and payment of the
3 new plate fee provided for in 61-3-321, ~~any a~~ special license ~~plates~~ plate issued prior to the prescribed date. This
4 requirement applies to collegiate license plates authorized under 61-3-461 through 61-3-468, generic specialty
5 license plates authorized under 61-3-472 through 61-3-481, and commemorative centennial license plates
6 authorized under 61-3-448.

7 (9) (a) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon
8 written application on a form prescribed by the department, be issued a special license plate with a design or
9 decal bearing a representation of a wheelchair as the symbol of a person with a disability.

10 (b) If the motor vehicle to which the license plate is attached is permanently registered, the owner of the
11 motor vehicle shall provide, upon request of a person authorized to enforce special parking laws or ordinances
12 in this or any state, evidence of continued eligibility to use the license plate in the form of a valid special parking
13 permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

14 (c) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a special
15 license plate upon written application, as provided in this subsection (9), is not required to reapply upon
16 reregistration of the motor vehicle.

17 (10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that
18 is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through
19 61-3-733."

20
21 **Section 16.** Section 61-3-333, MCA, is amended to read:

22 **"61-3-333. Replacing license ~~plates~~ plate or decals.** (1) Except as provided in subsection (2), if ~~one~~
23 ~~or both a~~ license ~~plates~~ plate registered to a motor vehicle, quadricycle, travel trailer, trailer, semitrailer, or pole
24 trailer or the registration decal for the motor vehicle, quadricycle, travel trailer, trailer, semitrailer, or pole trailer
25 is mutilated or destroyed, the owner of the registered motor vehicle or trailer may obtain a ~~set of replacement~~
26 ~~license plates, a replacement license plate, or a duplicate registration decal~~ upon filing a sworn declaration stating
27 that fact and payment of a fee of \$5.

28 (2) If the owner requests that the replacement license plate ~~or plates~~ bear the same background and
29 license plate number as the plate ~~or plates that were~~ that was destroyed or mutilated, the duplicate license plate
30 ~~or plates~~ may be issued upon payment of a fee of \$5."

1

2 **Section 17.** Section 61-3-334, MCA, is amended to read:

3 **"61-3-334. Transfer of ownership of motor vehicle -- duty to remove ~~plates~~ plate.** Upon the transfer
4 of ownership of a motor vehicle, trailer, semitrailer, or pole trailer, the transferor shall immediately remove the
5 license ~~plates~~ plate from the motor vehicle, trailer, semitrailer, or pole trailer."

6

7 **Section 18.** Section 61-3-335, MCA, is amended to read:

8 **"61-3-335. Transfer of license ~~plates~~ plate to another motor vehicle.** (1) A person may request the
9 transfer of a license ~~plates~~ plate removed from a motor vehicle, trailer, semitrailer, or pole trailer under 61-3-334
10 to another motor vehicle, trailer, semitrailer, or pole trailer acquired or owned by the same person. The use of the
11 license ~~plates~~ plate may not be legalized until proper transfer of the license ~~plates~~ plate has been made.

12 (2) ~~License plates~~ A license plate may be transferred pursuant to this section without transferring
13 ownership of the first motor vehicle, trailer, semitrailer, or pole trailer.

14 (3) Upon transfer of the license ~~plates~~ plate, the registration of the motor vehicle, trailer, semitrailer, or
15 pole trailer from which the license ~~plates were~~ plate was transferred expires."

16

17 **Section 19.** Section 61-3-402, MCA, is amended to read:

18 **"61-3-402. Personalized license ~~plates~~ plate authorized.** A person who is the registered owner of a
19 motor vehicle, truck, motor home, trailer, motorcycle, quadricycle, or other vehicle for the owner's personal use
20 may upon payment of the fee prescribed in 61-3-406 apply to the department for a personalized license ~~plates~~
21 plate in the manner prescribed in 61-3-405. The ~~plates~~ plate must be affixed to the vehicle for which registration
22 is sought in lieu of the license ~~plates~~ plate numbered as provided in 61-3-332."

23

24 **Section 20.** Section 61-3-403, MCA, is amended to read:

25 **"61-3-403. Color and design of personalized license ~~plates~~ plate -- exception.** Except as provided
26 in 61-3-407 and 61-3-466, the personalized license ~~plates~~ plate must be the same color and design as standard
27 license plates and must consist of numbers or letters, or any combination of numbers or letters, not exceeding
28 eight positions and not less than two positions, provided that there are no conflicts with existing standard or
29 special license plate series under this title. A registration decal must be displayed on a personalized license ~~plates~~
30 plate as provided in 61-3-332."

1

2 **Section 21.** Section 61-3-404, MCA, is amended to read:

3 **"61-3-404. Personalized license ~~plates~~ plate restricted to registered owner.** Personalized A
4 personalized license ~~plates~~ plate may be issued only to the registered owner of the motor vehicle upon which ~~they~~
5 ~~are~~ it is displayed."

6

7 **Section 22.** Section 61-3-405, MCA, is amended to read:

8 **"61-3-405. Application for personalized ~~plates~~ plate.** An applicant for a personalized license ~~plates~~
9 plate or renewal of ~~such plates~~ a plate in subsequent years pursuant to 61-3-401 through 61-3-406 shall file an
10 application ~~therefor~~ in the form and by the date the department requires, indicating ~~thereon~~ the combination of
11 letters or numbers, or both, requested as a registration number. ~~There shall be no duplication of registration~~
12 ~~numbers, and the~~ The department may refuse to issue any combination of letters or numbers, or both, that
13 duplicates those on a plate that has already been issued, that may carry connotations offensive to good taste and
14 decency, ~~or which that~~ are misleading or a duplication of license plates provided for elsewhere in this title."

15

16 **Section 23.** Section 61-3-407, MCA, is amended to read:

17 **"61-3-407. Personalized license ~~plates~~ plate for disabled -- special veteran and generic specialty**
18 **license ~~plates~~ plate.** Subject to the provisions of 61-3-405 and 61-3-406, an application for a standard license
19 ~~plates~~ plate bearing a wheelchair as the symbol of a person with a disability under 61-3-332(9), a special veteran
20 license ~~plates~~ plate under 61-3-458(3), or a generic specialty license ~~plates~~ plate under 61-3-472 through
21 61-3-481 may be combined with an application for a personalized ~~plates~~ plate. The application must be made
22 on a form supplied by the department."

23

24 **Section 24.** Section 61-3-411, MCA, is amended to read:

25 **"61-3-411. Registration of motor vehicle owned and operated solely as collector's item.** (1) An
26 owner of a motor vehicle, trailer, semitrailer, or pole trailer that is more than 30 years old and that is used solely
27 as a collector's item and is not used for general transportation purposes may file with the department an
28 application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must be
29 sworn to before an officer authorized to administer oaths. The application must state:

30 (a) the name and address of the owner;

(b) the name and address of the person from whom the motor vehicle, trailer, semitrailer, or pole trailer was purchased;

(c) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer; and

(d) that the motor vehicle, trailer, semitrailer, or pole trailer is owned and operated solely as a collector's item and not for general transportation purposes.

(2) Upon receipt of the application for registration and payment of the registration fees, including fees in lieu of tax, the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-303 and, unless the applicant chooses to exercise the option allowed in 61-3-412, shall deliver to the applicant:

(a) for a motor vehicle, trailer, semitrailer, or pole trailer manufactured in 1933 or earlier, ~~two a~~ a license ~~plates~~ plate bearing the inscription "Pioneer--Montana" and the registration number; or

(b) for a motor vehicle, trailer, semitrailer, or pole trailer manufactured in 1934 or later and more than 30 years old, ~~two a~~ a license ~~plates~~ plate bearing the inscription "Vintage--Montana" and the registration number.

(3) The year of issuance may not be shown on the ~~plates~~ plate.

(4) Annual renewal of the registration of a motor vehicle, trailer, semitrailer, or pole trailer registered under this section is not required, and the registration is valid as long as the motor vehicle, trailer, semitrailer, or pole trailer is in existence and owned by the initial registrant."

Section 25. Section 61-3-412, MCA, is amended to read:

"61-3-412. Display of original Montana license plates on collector's item and general transportation collector's item motor vehicles -- definition -- validation. (1) As used in 61-3-413 and this section, "original Montana license plate" means a license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed.

(2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered as provided in 61-3-411 or 61-3-413 to display an original Montana license ~~plates~~ plate, with validation as required in 61-3-413 or subsection (3) of this section, after:

(a) payment of the fee required in subsection (5);

(b) inspection by a highway patrol officer of the original Montana license plate to be displayed on the motor vehicle, trailer, semitrailer, or pole trailer and, upon payment of a \$5 fee, receipt of the highway patrol officer's certification that the officer has determined that:

(i) the license plate is legible and meets the requirements of subsection (1); and

(ii) in the case of a license plate intended for use on a general transportation collector's item, the license plate is visible at night;

(c) receipt of an application by the owner of the motor vehicle, trailer, semitrailer, or pole trailer as provided for in 61-3-411 or 61-3-413; and

(d) in the case of a general transportation collector's item application, certification from the department that a duplicate license plate number does not exist among currently issued license plates.

(3) If the owner of a motor vehicle, trailer, semitrailer, or pole trailer meets the requirements of subsection (2), the department shall:

(a) register the motor vehicle, trailer, semitrailer, or pole trailer as prescribed in 61-3-303; and

(b) issue a validating decal inscribed with:

(i) a unique number; and

(ii) the letter:

(A) "P" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(a); or

(B) "V" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(b).

(4) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall permanently affix the validating decal to the windshield of the collector's item motor vehicle, trailer, semitrailer, or pole trailer or, if a windshield does not exist, to another prominent and visible position on the motor vehicle, trailer, semitrailer, or pole trailer.

(5) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall pay to the department with the application required under this section a one-time special collector's item motor vehicle, trailer, semitrailer, or pole trailer license fee of \$20."

Section 26. Section 61-3-413, MCA, is amended to read:

"61-3-413. Registration of motor vehicle as general transportation collector's item -- definition -- permanent registration required. (1) For the purposes of 61-3-412 and this section, a "general transportation collector's item" is a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older and that is used for general transportation purposes.

(2) An owner of a general transportation collector's item who wishes to display an original Montana license ~~plates~~ plate on the motor vehicle, trailer, semitrailer, or pole trailer shall file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must state:

(a) the name and address of the owner;

(b) the year and number of the license plate the applicant wishes to use; and

(c) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer.

(3) Upon receipt of an application for registration of a general transportation collector's item, the department shall compare the number of the license plate that the applicant intends to use with the license plate numbers assigned to currently registered motor vehicles, trailers, semitrailers, or pole trailers. The department may reject an application if the number the applicant intends to use matches a number that is assigned to a currently registered motor vehicle, trailer, semitrailer, or pole trailer. If the department approves the application, the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-101.

(4) Once an application is approved, appropriate fees are paid, and the requirements provided in 61-3-412(2) are met, an owner of a general transportation collector's item shall permanently register the motor vehicle, trailer, semitrailer, or pole trailer as provided in 61-3-562 and shall display on the motor vehicle's, trailer's, semitrailer's, or pole trailer's license plate a decal indicating that the motor vehicle, trailer, semitrailer, or pole trailer has been permanently registered."

Section 27. Section 61-3-421, MCA, is amended to read:

"61-3-421. Amateur radio operators -- special license plate. A resident of this state who holds an unrevoked and unexpired official amateur radio station license and operator's license, "conditional" or higher class, issued by the federal communications commission of the United States, upon proof of ownership of the amateur radio station license and operator's license, may be issued a ~~set of~~ license ~~plates~~ plate displaying the official amateur radio call letters of the owner as assigned to the owner by the federal communications commission for a light vehicle or motor home owned by and registered to the resident. The ~~plates~~ plate must be renewed as provided in 61-3-312."

Section 28. Section 61-3-422, MCA, is amended to read:

1 **"61-3-422. Issuance -- application -- additional fee.** The department shall issue a license plates plate
2 with the official amateur radio call letters to an amateur radio operator upon:

3 (1) application showing proof that the applicant is the owner and holder of an amateur radio station
4 license and operator's license;

5 (2) compliance with the state laws relating to titling and registration of light vehicles and motor homes;

6 (3) payment, or proof of payment, of all other fees and taxes applicable to the light vehicle or motor
7 home; and

8 (4) payment of a \$5 additional fee."
9

10 **Section 29.** Section 61-3-423, MCA, is amended to read:

11 **"61-3-423. Rules -- limit of one ~~identical pair of plates~~ plate for each operator.** The department shall
12 adopt rules to procure compliance with all the laws of the state regulating the issuance of motor vehicle, trailer,
13 semitrailer, or pole trailer licenses relating to the use and operation of motor vehicles, trailers, semitrailers, or pole
14 trailers before issuing the lettered license plates. The department may not issue more than one ~~identical pair of~~
15 lettered license plates plate for any licensed amateur radio station in any one licensing period."
16

17 **Section 30.** Section 61-3-424, MCA, is amended to read:

18 **"61-3-424. List of amateur radio operator license plates -- distribution to public officials.** The
19 department shall, on or before July 1 of each year, furnish to the disaster and emergency services division of the
20 department of military affairs and the chief of the state highway patrol an electronic record containing a
21 county-based, alphabetically arranged list of the ~~names~~ name, ~~addresses~~ address, and license plate ~~numbers~~
22 number and letters of each person to whom an amateur radio operator license plate or a combined license plate
23 has been issued. It is the duty of the disaster and emergency services division of the department of military affairs
24 and the chief of the state highway patrol to retain this information for use in the event of a public emergency or
25 other disruption of commonly used communication networks."
26

27 **Section 31.** Section 61-3-425, MCA, is amended to read:

28 **"61-3-425. Special plates -- how affixed to car -- sale or transfer of auto -- revocation or expiration**
29 **of radio license.** The license plates plate issued under 61-3-422 may be renewed as long as the amateur radio
30 license is in force under the federal communications commission and the special license issued ~~hereunder~~ under

1 this part is in force. If the official amateur radio license is revoked or expires for any reason, the license ~~plates~~
2 plate must be removed immediately by the owner of the light vehicle or motor home, and the owner shall obtain
3 a standard license ~~plates~~ plate numbered as provided in 61-3-332. If the light vehicle or motor home is sold or
4 otherwise transferred, the owner and holder of valid official amateur radio station and operator's licenses may
5 transfer the amateur radio license ~~plates~~ plate to another light vehicle or motor home owned by the holder as
6 provided in 61-3-335. On the revocation or expiration of the amateur radio station and operator's licenses, the
7 license ~~plates~~ plate issued under 61-3-422 must be returned and surrendered to the department."

8
9 **Section 32.** Section 61-3-426, MCA, is amended to read:

10 **"61-3-426. Combined license ~~plates~~ plate.** (1) An application for a license ~~plates~~ plate for an amateur
11 radio ~~operators~~ operator may be combined with an application for the special license ~~plates~~ plate issued under
12 61-3-458(3) or with an application for a special license ~~plates~~ plate issued to a person with a disability who
13 complies with the provisions in 61-3-332(9).

14 (2) Issuance of a combined license ~~plates~~ plate is subject to 61-3-422.

15 (3) The combined license ~~plates~~ plate must display the official amateur radio call letters of the owner as
16 assigned to the owner by the federal communications commission. The ~~plates~~ plate must also display the ~~design~~
17 ~~or~~ decal provided for in 61-3-332(9) or 61-3-458(3)."

18
19 **Section 33.** Section 61-3-446, MCA, is amended to read:

20 **"61-3-446. Retention of special license ~~plates~~ plate.** If during a registration year the holder of a special
21 license ~~plates~~ plate issued under 61-3-332(8) or a generic specialty license ~~plates~~ plate issued as provided in
22 61-3-472 through 61-3-481 disposes of the motor vehicle to which the ~~plates are~~ plate is affixed, the holder may
23 retain the ~~plates~~ plate and transfer ~~them~~ it to another vehicle under 61-3-335."

24
25 **Section 34.** Section 61-3-448, MCA, is amended to read:

26 **"61-3-448. Commemorative centennial license plates -- continued use authorized.** Subject to the
27 limitation set forth in 61-3-332, a person who owned and displayed a commemorative centennial license ~~plates~~
28 plate on a motor vehicle on or before June 30, 1996, may continue to display the commemorative centennial
29 ~~plates~~ plate on the motor vehicle as long as the motor vehicle is registered under this chapter."

1 **Section 35.** Section 61-3-455, MCA, is amended to read:

2 **"61-3-455. Violation ~~a~~ as misdemeanor.** A person who violates 61-3-458 or 61-3-460 or who knowingly
3 and wrongfully attempts to secure a license ~~plates~~ plate under 61-3-332, 61-3-458, or 61-3-460 is guilty of a
4 misdemeanor and shall be punished by a fine of not less than \$100 or imprisonment for not more than 30 days,
5 or both."

6
7 **Section 36.** Section 61-3-458, MCA, is amended to read:

8 **"61-3-458. Special ~~plates~~ plate for military personnel, veterans, and spouses.** (1) (a) Active military
9 personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried, may be
10 issued a special military or veteran license ~~plates~~ plate as provided in this section.

11 (b) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, a special
12 license ~~plates~~ plate issued pursuant to this section must be numbered ~~in sets of two~~ with a different number on
13 each ~~set~~ plate and must be properly displayed as provided in 61-3-301. ~~Special~~ A special military or veteran
14 license ~~plates~~ plate may not be issued for a motorcycle, quadricycle, semitrailer, or pole trailer. ~~Special~~ A special
15 military or veteran license ~~plates~~ plate bearing a wheelchair as the symbol of a person with a disability may be
16 issued to a person who meets the qualifications under 61-3-332(9) and this section.

17 (2) (a) Upon application, after paying all applicable motor vehicle, trailer, semitrailer, or pole trailer
18 registration fees and special license plate fees and providing an official certificate from the applicant's unit
19 commander verifying the individual's eligibility and authorizing the department to issue the ~~plates~~ plate to the
20 individual, eligible military personnel may be issued one ~~set of~~ special military license ~~plates~~ plate as provided
21 in this subsection (2).

22 (b) A member of the Montana national guard who is a state resident may be issued a special license
23 ~~plates~~ plate with a design or decal displaying the letters "NG". However, the member shall surrender the ~~plates~~
24 plate to the department when the member becomes ineligible.

25 (c) A member of the reserve armed forces of the United States who is a state resident may be issued
26 a special license ~~plates~~ plate according to the member's branch of service verified in the application with a design
27 or decal displaying one of the following: United States army reserve, AR (symbol); United States naval reserve,
28 NR (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve, MCR (globe
29 and anchor). However, the member shall surrender the ~~plates~~ plate to the department when the member
30 becomes ineligible.

(d) An active member of the regular armed forces of the United States who is a state resident may be issued a special license plates plate inscribed with a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the member's branch of service verified in the application. However, the member shall surrender the plates plate to the department upon becoming ineligible.

(3) (a) Upon application, after presenting proper identification and a department of defense form 214 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment verifying the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable motor vehicle, trailer, semitrailer, or pole trailer registration fees under this chapter, subject to the provisions of 61-3-460, an eligible veteran must be issued ~~any set and more than one set~~ of the special license plates provided for in this subsection (3) that the member requests and is eligible to receive.

(b) A veteran may be issued a special license plates plate displaying the letters "DV", which entitles the veteran to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter 4, part 3, if the veteran:

(i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs as 50% or more disabled because of a service-connected injury; or

(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability.

(c) A veteran who has been awarded the purple heart may be issued a special license plates plate with the purple heart decal displaying the words "combat wounded".

(d) A veteran who was captured and held prisoner by the military force of a foreign nation may be issued a special license plates plate with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(e) If the veteran was a member of the United States armed forces on December 7, 1941, and during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or was offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued a special license plates plate designed to show that the veteran is a survivor of the Pearl Harbor attack.

(f) A person who is a member of the legion of valor may be issued a special plates plate displaying a design or decal depicting the recognized legion of valor medallion.

(g) A veteran may be issued a special license plates plate displaying the word "VETERAN" and a symbol

signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the veteran's service record verified in the application.

(h) A member or a former member of the Montana national guard eligible to receive a military retirement may be issued a special license ~~plates~~ plate displaying the Montana national guard insignia and the words "National Guard veteran".

(i) A veteran who qualifies under subsections (3)(b) and (3)(c) may be a issued special combination license ~~plates~~ plate displaying the letters "DV" and displaying a purple heart decal with the words "combat wounded". A person who receives the combination ~~plates~~ plate is entitled to the same parking privileges as provided in subsection (3)(b).

(4) Upon request, after paying the veterans' cemetery fee provided in 61-3-459 and all applicable vehicle registration fees under this chapter, subject to the provisions of 61-3-460, the surviving spouse of an eligible veteran, if the spouse has not remarried, may retain the special license ~~plates~~ plate issued to the deceased veteran, except the special "DV" ~~plates~~ plate provided for under subsection (3)(b) or the combination ~~plates~~ plate provided for in subsection (3)(i).

(5) For purposes of this section, "veteran" has the meaning provided in 10-2-101."

Section 37. Section 61-3-459, MCA, is amended to read:

"61-3-459. Veterans' cemetery fee for special veteran license plates -- disposition. (1) Except as provided in 61-3-460, an applicant for a special veteran license ~~plates~~ plate provided for under 61-3-458(3) shall pay \$10 for each ~~set~~ plate issued, renewed, or transferred, in addition to any other taxes or fees applicable under this chapter.

(2) Fees collected under this section must be deposited in the state general fund and transferred as provided in 15-1-122 to the special revenue account for state veterans' cemeteries established in 10-2-603."

Section 38. Section 61-3-460, MCA, is amended to read:

"61-3-460. Motor vehicle registration fee and veterans' cemetery fee waivers. (1) Except as otherwise provided in this section, a person eligible under subsection (2) is exempt from the veterans' cemetery fee provided in 61-3-459 for two ~~sets of~~ special veteran license plates and all motor vehicle registration fees imposed by this chapter for two motor vehicles that are not used for commercial purposes.

(2) The following persons are eligible for the waiver provided in subsection (1):

1 (a) a veteran who was a prisoner of war who presents official documentation from the U.S. department
2 of defense verifying the veteran's status, or the veteran's surviving spouse, if the spouse has not remarried;

3 (b) a veteran who is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S.
4 department of veterans affairs for a service-connected disability, as verified by official documentation from the
5 U.S. department of veterans affairs, or the veteran's surviving spouse, if the spouse has not remarried;

6 (c) a veteran determined by the U.S. department of veterans affairs to be 50% or more disabled because
7 of a service-connected injury and who has been awarded the purple heart, as verified by official documentation
8 from the U.S. department of veterans affairs and the veteran's military service record issued by the U.S.
9 department of defense, or the veteran's surviving spouse, if the spouse has not remarried, except that the veteran
10 or the surviving spouse shall pay the veterans' cemetery fee as provided for in 61-3-459;

11 (d) the surviving spouse, if the spouse has not remarried, of a military service member killed while on
12 active duty as verified in official documentation issued by the U.S. department of defense; and

13 (e) the surviving spouse, if the spouse has not remarried, of a military service member or veteran who
14 died of a service-connected injury or disability as determined by and verified in official documentation from the
15 U.S. department of veterans affairs."

16
17 **Section 39.** Section 61-3-463, MCA, is amended to read:

18 **"61-3-463. Collegiate license plates.** (1) Subject to the provisions of 61-3-332(8) and the requirement
19 that collegiate license plates must have a white reflectorized background, the department shall design, cause to
20 be manufactured, and issue collegiate license plates as provided in 61-3-464 through 61-3-466.

21 (2) After consultation with each institution, the department shall prescribe the color and insignia to be
22 displayed on the collegiate license plates for each institution.

23 (3) In addition to each institution's distinctive color and insignia provided in subsection (2), each
24 collegiate license plate must:

25 (a) be imprinted consecutively with distinctive numerals from 1 through 99999, capital letters A through
26 Z, or a combination of numerals and letters; and

27 (b) bear a registration decal as provided in 61-3-332.

28 (4) The department shall determine the minimum and maximum number of characters, including both
29 numerals and letters, on the collegiate license plates.

30 (5) An issue of collegiate license plates may not be ordered or manufactured for any individual institution

1 unless at least 400 ~~sets of plates~~ plates are ordered and prepaid."

2
3 **Section 40.** Section 61-3-464, MCA, is amended to read:

4 **"61-3-464. Application for collegiate license ~~plates~~ plate.** An applicant for a collegiate license ~~plates~~
5 plate or renewal of a collegiate license ~~plates~~ plate pursuant to 61-3-465 shall apply in the form and by the date
6 the department requires. An application for a collegiate license plate may be combined with an application for a
7 license plate bearing a wheelchair as the symbol of a person with a disability if the applicant meets the
8 qualifications under 61-3-332(9)."

9
10 **Section 41.** Section 61-3-465, MCA, is amended to read:

11 **"61-3-465. Issuance -- application -- additional fee -- disposition.** (1) The department shall issue or
12 renew a collegiate license ~~plates~~ plate upon receipt of an application that shows:

13 (a) compliance with 61-3-303, 61-3-311, and 61-3-312; and

14 (b) payment to the county treasurer of:

15 (i) an initial application and manufacturing fee of \$5, when required; and

16 (ii) an annual scholarship donation of \$30 for the benefit of the institution named in the application.

17 (2) Once each month, the county treasurer shall, as provided in 15-1-504, transfer to the state the total
18 of the amounts collected for:

19 (a) the initial application and manufacturing fee for deposit in the state general fund; and

20 (b) scholarship donations provided for in subsection (1)(b)(ii), along with a schedule showing the number
21 of collegiate license plates issued and the total donations received for the benefit of each institution.

22 (3) Once each month, an amount equal to the total donations credited to that institution and transferred
23 to the state by the county treasurers during the preceding month must be distributed to the student academic
24 scholarship fund or foundation of each institution."

25
26 **Section 42.** Section 61-3-466, MCA, is amended to read:

27 **"61-3-466. Personalized collegiate license plates.** (1) Subject to the provisions of 61-3-405 and
28 61-3-406, an application for a collegiate license ~~plates~~ plate may be combined with an application for a
29 personalized ~~plates~~ plate.

30 (2) An application for a personalized collegiate license ~~plates~~ plate must be made on a form supplied

1 by the department.

2 (3) Personalized collegiate license plates must bear the distinctive color and insignia as provided in
3 61-3-463."

4
5 **Section 43.** Section 61-3-468, MCA, is amended to read:

6 **"61-3-468. Collegiate license plates -- continued use with institution's former name authorized.**

7 Subject to the limitation set forth in 61-3-332, a person who owns and displays on the person's motor vehicle, a
8 collegiate license ~~plates~~ plate that ~~bear~~ bears the name of an institution that has been renamed by its governing
9 body or as part of the Montana university system reorganization may continue to display on the vehicle the license
10 plate bearing the former name of the institution as long as the motor vehicle is registered under this chapter."

11
12 **Section 44.** Section 61-3-474, MCA, is amended to read:

13 **"61-3-474. Responsibility for design of generic specialty license plates -- numbering -- rulemaking**
14 **-- approval -- registration decal -- listing of plate sponsors.** (1) The department shall:

15 (a) design the background and general format of generic specialty license plates;
16 (b) in consultation with the department of corrections, determine which license plate processing system
17 is the most efficient and versatile manufacturing method for the production of generic specialty license plates;
18 (c) use a numbering system for generic specialty license plates that is distinctive from the numbering
19 system required under 61-3-332 or used for collegiate license plates;

20 (d) adopt rules that prescribe:

21 (i) the minimum and maximum number of characters that a generic specialty license plate may display;
22 (ii) the general placement of the sponsor's name, identifying phrase, and graphic; and
23 (iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

24 (2) All sponsor names, identifying phrases, and graphics intended for use on generic specialty license
25 plates must be approved by the department prior to the manufacture of the plates.

26 (3) Upon the issuance of a generic specialty license ~~plates~~ plate, a registration decal must be affixed to
27 the license ~~plates~~ plate as provided in 61-3-332.

28 (4) The department shall maintain a list of the sponsors that have been approved to promote the sale
29 and issuance of generic specialty license plates, the initial distribution date for sale of each sponsored generic
30 specialty license plate, and the donation fee established by the sponsor for each sponsored generic specialty

license plate. The department shall, upon request, make copies of this list available to interested members of the public.

(5) The department may, in its discretion, revoke its previous approval of a sponsor's generic specialty license plate sponsorship if:

(a) the sponsor fails to comply with the provisions of 61-3-472 through 61-3-481;

(b) fewer than 400 ~~sets~~ of a sponsor's generic specialty license plate have been sold or renewed in the 12-month period immediately preceding the third anniversary of the date of initial distribution of the sponsored generic specialty license plate; or

(c) the department has reliable information that the sponsor is no longer qualified for sponsorship under 61-3-472 through 61-3-481.

(6) (a) Upon revocation of a sponsor's generic specialty license plate sponsorship status, the issuance and sale of the sponsor's generic specialty license plates must be terminated and a donation fee may not be charged or collected upon registration renewal of a motor vehicle displaying a previously issued generic specialty license ~~plates~~ plate affiliated with that sponsor.

(b) A person who owns a motor vehicle displaying a valid generic specialty license ~~plates~~ plate affiliated with a sponsor whose sponsorship status has been revoked may continue to display ~~those~~ the generic specialty license ~~plates~~ plate on the person's motor vehicle if the motor vehicle's registration is properly renewed in subsequent years and the ~~plates remain~~ plate remains legible.

(c) Following revocation of a sponsor's sponsorship status, the department may not issue ~~replacements~~ or duplicates a replacement or duplicate of a generic specialty license ~~plates~~ plate affiliated with that sponsor if the license ~~plates are~~ plate is destroyed or mutilated."

Section 45. Section 61-3-478, MCA, is amended to read:

"61-3-478. Generic specialty license plate sponsor fee -- exception. (1) Except as provided in subsection (2), upon approval of an organization's application to sponsor a generic specialty license plate and before a sponsor's generic specialty license plates may be manufactured, the department shall assess and the sponsor shall pay a \$4,000 fee to reimburse the department of corrections for the prison industries training program for the initial costs incurred in producing the generic specialty license plates for the sponsor.

(2) In lieu of the fee required in subsection (1), a minimum of 400 applications for a sponsor's generic specialty license ~~plates~~ plate must be filed and prepaid with the department before the generic specialty license

plates may be manufactured and issued."

Section 46. Section 61-3-479, MCA, is amended to read:

"61-3-479. Issuance of generic specialty license plates -- qualifications. (1) (a) Except as provided in subsection (1)(b), the department shall issue a ~~set of~~ generic specialty license ~~plates~~ plate to a person who applies for a particular style of generic specialty license ~~plates~~ plate and pays the donation fee established by the plate sponsor and the administrative fee required in 61-3-480.

(b) If the sponsor of a generic specialty license plate is not listed on the county collection report published by the state and required under 15-1-504 as of the initial distribution date for the sale of the sponsor's plates, the department shall require the sponsor to collect the initial donation fee from, and issue a special certificate of registration to, a person who is eligible to receive the sponsor's generic specialty license ~~plates~~ plate. The person shall present the special certificate of registration upon application for the generic specialty license ~~plates~~ plate.

(2) A ~~set of~~ generic specialty license ~~plates~~ plate may be issued for any motor vehicle except a motorcycle or a quadricycle.

(3) (a) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, a person who receives a generic specialty license ~~plates~~ plate is subject to the same rules and laws as those that govern standard license plates.

(b) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, the department is subject to the same rules and laws that govern the issuance of standard license plates.

(c) Generic specialty license plates issued under 61-3-472 through 61-3-481 are not subject to any maximum issuance or use limitation that may be imposed on standard license plates.

(4) A person may combine an application for a generic specialty license plate with an application for a license plate with a design bearing a representation of a wheelchair as the symbol of a person with a disability as provided in 61-3-332(9)."

Section 47. Section 61-3-481, MCA, is amended to read:

"61-3-481. Generic specialty license plates -- restrictions on use. (1) ~~Generic~~ A generic specialty license ~~plates~~ plate may be issued by the department in conjunction with the registration of any motor vehicle except a motorcycle or a quadricycle. The department may not issue a generic specialty license ~~plates~~ plate without the motor vehicle having been registered.

(2) ~~Generic~~ A generic specialty license ~~plates~~ plate may be used only as the official license ~~plates~~ plate

for a motor vehicle."

Section 48. Section 61-3-562, MCA, is amended to read:

"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules. (1) (a) The owner of a light vehicle 11 years old or older that is subject to the registration fee, as provided in 61-3-321(2), may permanently register the light vehicle upon payment of a \$87.50 registration fee, the applicable registration and license fees under 61-3-412, if applicable, the administrative fee and the annual one-time-only donation fee for a generic specialty license plate under 61-3-480, and an amount equal to five times the local option motor vehicle tax or flat fee on vehicles under 61-3-537 and, if applicable, when a personalized plates plate under 61-3-406 ~~are~~ is being issued or renewed, either:

(i) the original fee and four times the renewal fee for a personalized plates plate; or

(ii) five times the renewal fees for a personalized plates plate.

(b) The following series of license plates may not be used for purposes of permanent registration of a light vehicle:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

(iii) amateur radio operator license plates issued under 61-3-422; and

(iv) collegiate license plates issued under 61-3-465.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a motor vehicle that is permanently registered under this section is not subject to additional registration fees or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall once each month remit to the state the amounts collected under this section, other than the local option motor vehicle tax or flat fee, for the purposes of 61-3-321(2) and 61-10-201. The county treasurer shall retain the local option motor vehicle tax or flat fee.

(5) (a) The permanent registration of a light vehicle allowed by this section may not be transferred to a new owner. If the light vehicle is transferred to a new owner, the department shall cancel the light vehicle's permanent registration.

(b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and 61-3-216 and register the light vehicle under 61-3-303."

Section 49. Section 61-3-701, MCA, is amended to read:

"61-3-701. Out-of-state vehicles used in gainful occupation to be registered -- reciprocity. (1) A person may not operate a motor vehicle, trailer, semitrailer, or pole trailer that is registered in another jurisdiction on the highways of this state if the vehicle is used for hire, compensation, or profit or if the person is engaged in gainful occupation or business enterprise in the state, including highway work, unless the motor vehicle, trailer, semitrailer, or pole trailer is registered at the office of a county treasurer or an authorized agent of the department. Upon satisfactory evidence of ownership submitted to the county treasurer or the department's authorized agent and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by 61-3-321, 61-3-529, or 61-3-537, the treasurer or authorized agent shall enter the vehicle for registration purposes only on the electronic registry maintained by the department under 61-3-101. One-fourth of the annual fees or taxes due on the motor vehicle, trailer, semitrailer, or pole trailer subject to registration under this section must be paid for each calendar quarter or portion of a calendar quarter for the year that the vehicle will be located or operated in Montana.

(2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue to the owner of the motor vehicle, trailer, semitrailer, or pole trailer a registration receipt, a license plates plate, and a registration decal indicating the calendar quarter and year for which the motor vehicle, trailer, semitrailer, or pole trailer is registered. The license plates plate, with attached registration decal, must at all times be displayed upon the motor vehicle, trailer, semitrailer, or pole trailer when operated or driven upon roads and highways of this state during the registration period indicated on the receipt.

(3) The registration receipt does not constitute evidence of ownership but may be used only for registration purposes. A Montana certificate of title may not be issued for a motor vehicle, trailer, semitrailer, or pole trailer registered under this section.

(4) This section is not applicable to a motor vehicle covered by a valid and existing reciprocal agreement or declaration entered into under Montana law."

Section 50. Section 61-3-702, MCA, is amended to read:

"61-3-702. Foreign vehicles to display license plates. All foreign registered and licensed motor

vehicles, trailers, semitrailers, or pole trailers must carry in plain sight on the motor vehicle, trailer, semitrailer, or pole trailer the license ~~plates~~ plate or device from the other state or foreign country."

Section 51. Section 61-3-722, MCA, is amended to read:

"61-3-722. Registration and identification of proportionally registered motor vehicles -- fees -- effect of registration. (1) The department shall register each proportionally registered motor vehicle, trailer, semitrailer, or pole trailer and issue a license plate ~~or plates~~, a distinctive registration decal, or other suitable identification device for each motor vehicle, trailer, semitrailer, or pole trailer described in the application upon payment of the appropriate fees and property taxes, as provided by law, for the application and for the license ~~plates~~ plate, registration ~~decals~~ decal, or ~~devices~~ device issued. A fee of \$2 must be paid for each license plate, each registration decal, and each device issued for each proportionally registered motor vehicle, trailer, semitrailer, or pole trailer. A fee of \$5 must be paid for each motor vehicle, trailer, semitrailer, or pole trailer receiving temporary registration as authorized by section 704 of the international registration plan of the American association of motor vehicle administrators, adopted in April 1988. A registration card must be issued for each proportionally registered motor vehicle, trailer, semitrailer, or pole trailer. The registration card must, in addition to other information required by chapter 3, show the number of the license, registration decal, or other device issued for the proportionally registered motor vehicle, trailer, semitrailer, or pole trailer and must be carried in the motor vehicle, trailer, semitrailer, or pole trailer at all times.

(2) Fleet motor vehicles, trailers, semitrailers, or pole trailers registered and identified as fleet motor vehicles are considered fully licensed and registered in this state for any type of movement or operation, except that, in those instances in which a grant of authority is required for intrastate movement or operation, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated in intrastate commerce in this state unless the owner has been granted intrastate authority by the public service commission and unless the motor vehicle, trailer, semitrailer, or pole trailer is being operated in conformity with that authority."

Section 52. Section 61-4-101, MCA, is amended to read:

"61-4-101. Types of licenses and terms -- common application -- bonds -- zoning. (1) Except as provided in 61-4-120 and 61-4-125, a person may not engage in the business of buying, selling, exchanging, accepting on consignment, or acting as a broker of a motor vehicle, trailer, travel trailer, semitrailer, pole trailer, motorcycle, quadricycle, motorboat, personal watercraft, snowmobile, off-highway vehicle, or special mobile

1 equipment that is not registered in the person's name unless the person is the holder of a license issued by the
2 department under this part.

3 (2) (a) The department may issue a new dealer's license, a used dealer's license, a broker's license, an
4 auto auction license, or a wholesaler license to any person it determines is qualified to hold the license under the
5 provisions of this section.

6 (b) A new dealer's license authorizes the holder to sell:

7 (i) any new motor vehicle, new power sports vehicle, or new trailer that is covered under a franchise
8 agreement between the holder and the manufacturer, importer, or distributor of the line of vehicle or trailer offered
9 for sale; and

10 (ii) any used motor vehicle, used power sports vehicle, or used trailer.

11 (c) A used dealer license authorizes the holder to sell any used motor vehicle, used power sports vehicle,
12 or used trailer.

13 (d) A broker's license authorizes the holder to negotiate the purchase, sale, or exchange of a motor
14 vehicle, power sports vehicle, or trailer from a dealer or another person upon behalf of a client when the broker
15 does not store, display, or take ownership of the motor vehicle, power sports vehicle, or trailer being purchased,
16 sold, or exchanged.

17 (e) Except as provided in 61-4-120, an auto auction license authorizes the holder to take possession of
18 a used vehicle owned by another person through consignment, bailment, or any other arrangement and to sell
19 to the highest bidder when all bidders are licensed vehicle dealers, wholesalers, or wrecking facilities.

20 (f) A wholesaler license authorizes the holder to sell used vehicles to a new or used vehicle dealer, an
21 auto auction, or another wholesaler.

22 (3) Subject to the provisions of 61-4-120, 61-4-124, and 61-4-125, a license issued by the department
23 is valid until:

24 (a) voluntarily returned to the department for surrender and cancellation upon the cessation of the
25 licensee's business operations; or

26 (b) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor
27 vehicles, power sports vehicles, or trailers.

28 (4) (a) An applicant for a new dealer's license, a used dealer's license, a broker's license, an auto auction
29 license, or a wholesaler license shall submit a written application to the department. The application must be
30 signed by the applicant and contain a verification by the applicant, under penalty of law, that the information

1 contained in the application is true and correct. Any information provided in the license application process is
2 subject to independent verification by the department or an authorized representative of the department.

3 (b) After examining a license application and conducting an investigation necessary to verify the
4 information contained in the application and if the department is satisfied that the applicant qualifies for the
5 issuance of a license under the provisions of this chapter, the department may issue the license. The department
6 may refuse, after examination and investigation, to issue a license to an applicant who is not qualified for
7 licensure or whose prior financial or other activities or criminal record, as determined by the department:

8 (i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;

9 (ii) poses a threat to the public interest of the state; or

10 (iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed
11 dealership, wholesaler, or auto auction.

12 (5) To be qualified for licensure, an applicant shall provide to the department the following information:

13 (a) the name under which the applicant intends to conduct business and the applicant's name, the street
14 address and, if different, mailing address for the business, and customer identification number;

15 (b) the name, date of birth, and social security number of any person who:

16 (i) possesses or will possess an ownership interest in the business for which the license is sought;

17 (ii) is a corporate officer or the managing member of a business entity applying for the license; or

18 (iii) is or will be designated by the applicant to manage or oversee the applicant's business;

19 (c) for each person subject to the provisions of subsection (5)(b), information concerning whether the
20 person has:

21 (i) an ownership interest in a vehicle dealership, an auto auction, or a wholesaler business in Montana
22 or any other state and, if so, the name and address of each dealership, auto auction, or wholesaler; and

23 (ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall
24 provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court
25 proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;

26 (d) the name, address, and telephone number of the insurance carrier from whom the applicant has
27 acquired general liability insurance, naming the department as a certificate holder of the policy, and the name,
28 address, and telephone number of the local insurance agent for the carrier and the applicant's policy number.
29 The insurance must cover any motor vehicle bearing a dealer or demonstrator license ~~plates~~ plate and any
30 motorboat, snowmobile, or off-highway vehicle displaying a dealer's identification card that is offered for

demonstration or loan to a customer or otherwise operated by a customer in the regular course of the applicant's business and must be for a minimum of 1 year;

(e) the geographic location of the physical lot or lots upon which vehicles will be displayed for sale, if applicable, and of a permanent nonresidential building that will be maintained to store the actual physical or electronic records resulting from the purchase, sale, trade, or consignment of vehicles for which licensure is sought. An applicant may use more than one location to display vehicles for sale if the maximum distance between each display lot does not exceed 200 feet and if the distance between a display lot and the building in which vehicle sales records are stored does not exceed 1,000 feet.

(f) for each geographic location specified in the application, evidence of the applicant's compliance with applicable local land use planning, zoning, and business permitting requirements, if any. Evidence of compliance may be documented by means of a written verification of compliance signed by the authorized representative of the local land use planning or zoning board or the local business-permitting agency.

(g) a diagram or plat showing the geographic location, lot dimensions, if applicable, and building and sign placement for the applicant's proposed established place of business, along with two or more photographs of the geographic location, building premises, and sign, as prescribed by the department;

(h) if the applicant is seeking a new motor vehicle dealer's license:

(i) the name and address of the manufacturer, importer, or distributor with whom the applicant has a written new motor vehicle, power sports vehicle, or trailer franchise or sales agreement, the term of the agreement, and the name and make of all motor vehicles, power sports vehicles, or trailers to be handled by the applicant;

(ii) the geographic location or locations, specified in writing, upon which the applicant will provide and maintain a permanent building to display and sell new motor vehicles, power sports vehicles, or trailers and offer and maintain a bona fide service department for the repair, service, and maintenance of the motor vehicles, power sports vehicles, or trailers; and

(iii) verification that the applicant otherwise meets the requirements of part 2 of this chapter.

(6) If an applicant wants to maintain more than one established place of business, the applicant shall file a separate license application for each proposed place of business and otherwise qualify for licensure at each place separately.

(7) Each application under this section must be accompanied by the following fees:

(a) for a new or used dealer's license, a broker's license, or a wholesaler's license, \$30; and

(b) for an auto auction license, the fee provided for in 61-4-120.

(8) (a) Except as provided in subsection (8)(b), an applicant for a dealer's license, broker's license, wholesaler's license, or auto auction license shall also file with the application a bond of \$50,000.

(b) An applicant whose business will be restricted to the sale of motorcycles or quadricycles shall file a bond of \$15,000. An applicant whose business will be restricted to the sale of motorboats, personal watercraft, snowmobiles, or off-highway vehicles, other than motorcycles originally equipped for use on the highway, shall file a bond of \$5,000.

(c) All bonds must be conditioned that the applicant shall conduct the business in accordance with the requirements of the law. All bonds must be approved by the department, must be filed in its office, and must be renewed annually."

Section 53. Section 61-4-102, MCA, is amended to read:

"61-4-102. Dealer plates -- restriction of use -- fees. (1) Except as provided in subsection (2), the department shall furnish a dealer licensed under this part with one or more ~~sets of~~ numbered dealer plates in accordance with the provisions of this section.

(2) Dealer plates may not be issued to a new or used dealer whose business is restricted to the sale of motorcycles, power sports vehicles, or trailers.

(3) (a) In addition to the fees required under the provisions of 61-4-101 and 61-4-124, an applicant for a dealer's license shall pay an annual fee of \$25 for each ~~set of~~ numbered dealer ~~plates~~ plate requested and issued.

(b) The number of dealer plates that may be issued to a dealer must be determined as follows:

(i) a dealer is entitled to one ~~set of~~ dealer ~~plates~~ plate upon the issuance of an original license or a renewed license;

(ii) an applicant qualified for a license renewal is entitled to additional ~~sets of~~ numbered plates based on the following formula:

(A) 5% of the first 100 motor vehicle sales for the previous year; plus

(B) 3% of the next 100 motor vehicle sales for the previous year; plus

(C) 2% of motor vehicle sales in excess of 200 for the previous year; and

(iii) a dealer is entitled to additional ~~sets of~~ dealer plates during a license term as the dealer's sales incrementally meet or exceed the requirements of the formula established in subsection (3)(b)(ii). However, the

1 aggregate number of ~~sets of~~ dealer plates issued to a dealer under this subsection (3)(b)(iii) may not exceed the
2 combined number allowed under subsections (3)(b)(i) and (3)(b)(ii).

3 (4) (a) A dealer is authorized to use and display a dealer plates plate on a motor vehicle, except a
4 motorcycle, held for bona fide sale by the dealer and that is operated by or under the control of the dealer, the
5 dealer's spouse, officers, or employees.

6 (b) For purposes of this subsection (4):

7 (i) the term "officers" includes only the persons listed on the manufacturer's franchise agreement or the
8 importer's distribution agreement and the term "employees" means persons upon whom the dealer has paid
9 social security taxes as a full-time employee; and

10 (ii) the display of a Monroney label or a buyer's guide label, as required by 61-4-123(2), on a motor
11 vehicle bearing a dealer plates plate is prima facie evidence that the motor vehicle is offered for bona fide sale
12 by the dealer.

13 (5) ~~Dealer plates~~ A dealer plate may not be used or displayed on motor vehicles used for hire, lease, or
14 rental.

15 (6) (a) A dealer is accountable for each ~~set of~~ numbered dealer ~~plates~~ plate issued and, except as
16 provided in subsection (6)(b), shall file an annual report with the department certifying the disposition of each ~~set~~
17 ~~of dealer plates~~ plate assigned to the dealer and specifying the name, address, and occupation of the person
18 primarily using each ~~set of plates~~ plate.

19 (b) Upon reassignment of one or more ~~sets of~~ dealer plates to another person, within 15 days of the
20 reassignment, the dealer shall notify the department, in a manner prescribed by the department, of the name,
21 address, and occupation of the person to whom the plates were assigned."

22
23 **Section 54.** Section 61-4-109, MCA, is amended to read:

24 **"61-4-109. Privileges incident to license -- withdrawal upon certain conditions.** (1) The privileges
25 of a dealer licensed under the provisions of this part to use and display a ~~set of~~ dealer ~~plates~~ plate or a
26 demonstrator plate on a motor vehicle or trailer held for sale by the dealer, to use and display an identification
27 card on a power sports vehicle held for sale, and to issue a temporary registration permit, under the authority of
28 61-4-111 or 61-4-112, upon the sale of a motor vehicle, a power sports vehicle, or a trailer by the dealer are
29 specifically conditioned on the dealer's satisfaction of the bond requirements of 61-4-101 and the general liability
30 insurance coverage requirements of 61-4-123, without interruption or lapse.

(2) If the department is notified or determines that a dealer's bond or general liability insurance has lapsed or been canceled, all dealer plates, demonstrator plates, and identification cards issued to the dealer are subject to immediate confiscation and the dealer's authority, as an authorized agent, to issue temporary registration permits is subject to immediate withdrawal, upon demand, by the department or by a compliance specialist on behalf of the department. The dealer plates, demonstrator plates, and identification cards may not be returned to the dealer until the bond and general liability insurance requirements have been satisfied.

(3) A dealer whose privileges are withdrawn under this section may otherwise engage in the dealer's business operations during the period of withdrawal.

(4) If the lapse of bond or general liability insurance is not corrected within 30 days, the department may initiate administrative action to suspend or revoke the dealer's license under 61-4-105(2)."

Section 55. Section 61-4-123, MCA, is amended to read:

"61-4-123. Dealer requirements and restrictions. (1) A used dealer may not sell a new motor vehicle, a new power sports vehicle, or a new trailer.

(2) A dealer may not display at the dealer's established place of business or any approved off-premises sale location a motor vehicle offered for sale, trade, or consignment unless the Monroney label required for new motor vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor vehicles pursuant to 16 CFR, part 455, is affixed to the side window of the motor vehicle or is conspicuously displayed within the motor vehicle in a fashion that is readily readable by a customer.

(3) (a) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle, power sports vehicle, or trailer offered for sale at any geographic location other than that of the dealer's established place of business as listed on the dealer's license.

(b) A dealer may park a motor vehicle in a storage lot if:

(i) local zoning regulations permit that type of use;

(ii) the lot is in the county where the dealer's established place of business is located;

(iii) the dealer does not sell or advertise the sale of the motor vehicle at the lot; and

(iv) if applicable, the placement of the motor vehicle complies with the dealer's franchise agreement.

(4) (a) Upon prior notice to the department, a dealer may conduct an off-premises display and sale at a geographic location other than that of the dealer's established place of business as listed on the dealer's license if the dealer obtains a permit from the department. The department may require proof from the dealer that the

1 location proposed for the off-premises display and sale is in compliance with local zoning ordinances. An
2 off-premises display and sale must be conducted within the county of the dealer's licensed location unless the
3 off-premises display and sale are restricted to recreational vehicles or power sports vehicles. A new motor vehicle
4 dealer whose area of responsibility under the dealer's franchise agreement includes a county different from the
5 county in which the dealer's established place of business is located may conduct an off-premises display and
6 sale, subject to the agreement, in the other county if there is no other new motor vehicle dealer with an
7 established place of business in that county. The display and sale authorized by this subsection (4)(a) may not
8 exceed 10 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays and
9 sales during any 1 calendar year.

10 (b) A dealer may display one or more motor vehicles, power sports vehicles, or trailers inside an airport
11 terminal or shopping mall without obtaining an off-premises display and sale permit if no actual sales are made,
12 or could be made, at the terminal or mall.

13 (c) Upon prior written notice to the department, a dealer may display one motor vehicle, power sports
14 vehicle, or trailer at a geographic location other than that of the dealer's established place of business as listed
15 on the dealer's license if no actual sales are made, or could be made, at the display location and the display:

16 (i) conspicuously promotes or supports an event or a program sponsored by a nonprofit corporation or
17 association organized and operated exclusively for religious, charitable, scientific, or educational purposes and
18 the motor vehicle, power sports vehicle, or trailer is displayed at a location where the event is being held or the
19 program is being promoted; or

20 (ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly identified
21 business entity and the motor vehicle, power sports vehicle, or trailer is displayed on premises owned or leased
22 by the other business entity and where the other entity regularly conducts its business. A display under this
23 subsection (4)(c)(ii) may not exceed 90 days in a calendar year.

24 (5) If more than one dealer displays motor vehicles, power sports vehicles, or trailers at the same
25 geographic location as another dealer's established place of business, each dealer shall ensure that all records,
26 office facilities, and inventory, if applicable, are physically segregated from those of the other dealer and clearly
27 identified and attributed to the appropriate dealer.

28 (6) A dealer shall install and maintain telephone service at the dealer's established place of business.
29 The telephone service must be listed in the directory assistance that applies to the area in which the business
30 is located, or if a cellular service is used, the dealer's cell phone number must be posted at the dealer's

1 established place of business.

2 (7) A dealer shall conspicuously post at the dealer's established place of business written notice
3 indicating the regular and customary office hours maintained by the dealer.

4 (8) (a) A dealer shall carry and continuously maintain a general liability insurance policy that covers any
5 motor vehicle bearing a ~~set of dealer plates~~ plate or a demonstrator plate and any power sports vehicle displaying
6 a dealer's identification card that is offered for demonstration or loan to a customer or that otherwise may be
7 operated by a customer in the regular course of the dealer's business operations.

8 (b) A dealer shall ensure that the department is named as a certificate holder on any general liability
9 insurance policy held by the dealer, that the minimum term of the policy is 1 year, and that a lapse of insurance
10 does not occur as a result of cancellation or termination of a previously certified policy.

11 (c) This subsection (8) does not relieve a dealer of the mandatory motor vehicle liability insurance
12 obligation imposed under chapter 6 of this title.

13 (9) A dealer shall display at the dealer's established place of business at least one sign stating the name
14 of the business and indicating that motor vehicles, power sports vehicles, or trailers are offered for sale, trade,
15 or consignment. The letters of the sign must be at least 6 inches in height and clearly visible and readable to the
16 major avenue of traffic at a minimum distance of 150 feet."

17
18 **Section 56.** Section 61-4-128, MCA, is amended to read:

19 **"61-4-128. Common standards -- dealer plates -- demonstrator plates -- identification cards -- fees.**

20 (1) (a) Dealer, demonstrator, and courtesy license plates authorized under this part must be designed by the
21 department in a manner that is similar to standard license plates furnished under 61-3-332, but the word "dealer",
22 "demonstrator", or "courtesy" must be included in the plate design.

23 (b) Dealer, demonstrator, and courtesy license plates must be numbered in a manner that is readily
24 distinguishable from other plate styles issued by the department. The numbering system for dealer plates must
25 contain the distinctive license number assigned by the department to a dealer and a number or alphanumeric
26 identification mark that relates to the assignment of ~~sets~~ of dealer plates to a dealer. The numbering system for
27 demonstrator plates may be sequential and unrelated to the number of demonstrator plates or the distinctive
28 license number assigned to a dealer, wholesaler, or auto auction.

29 (c) Dealer, demonstrator, and courtesy plates issued under this part must be replaced on the same cycle
30 that is required for standard license plates under 61-3-332.

(d) Except as provided in 61-4-124, dealer, demonstrator, and courtesy plates must display a registration decal, affixed as prescribed by the department, for the calendar year for which use of the plate or plates is authorized under this part.

(2) (a) Identification cards must be designed by the department and furnished to dealers to authorize the demonstration of a motorboat or personal watercraft, a snowmobile, or an off-highway vehicle by a dealer licensed under this part or a customer of a dealer licensed under this part. Each identification card must include the dealer's name and address and the license number assigned by the department to the dealer and must designate the type of power sports vehicle for which its use is authorized, such as a motorboat or personal watercraft, snowmobile, or off-highway vehicle.

(b) The department may use the same numbering system for identification cards as it uses for demonstrator plates.

(3) (a) Upon issuance of a license to a dealer whose business includes the sale of motorboats or personal watercraft, snowmobiles, or off-highway vehicles, the department shall furnish identification cards to a dealer as follows:

(i) for a dealer who sells motorboats or personal watercraft, one identification card;

(ii) for a dealer who sells snowmobiles, two identification cards; and

(iii) for a dealer who sells off-highway vehicles, two identification cards.

(b) The dealer may obtain additional identification cards for \$2, as needed, and upon submitting justification for the need to the department.

(4) (a) An identification card issued to a dealer who sells motorboats or personal watercraft may be displayed on a dealer's motorboat or personal watercraft while the motorboat or personal watercraft is operating for a purpose related to the buying, selling, exchanging, or performance testing of the motorboat or personal watercraft by the dealer, manufacturer, or potential buyer.

(b) An identification card issued to a dealer who sells snowmobiles must be carried by the dealer when demonstrating the dealer's snowmobiles or by the dealer's customer.

(c) An identification card issued to a dealer who sells off-highway vehicles must be carried by the dealer when the dealer's off-highway vehicles are being demonstrated for sale purposes or by the dealer's customer.

(5) (a) All dealer, demonstrator, and courtesy plates and identification cards issued under this part expire on December 31 of the year of issue and must be renewed annually.

(b) A dealer, wholesaler, or auto auction that files the annual report required under 61-4-120, 61-4-124,

or 61-4-125 on or before December 31 of the calendar year may display or use dealer or demonstrator plates and identification cards assigned for the prior calendar year through the last day of February of the following year."

Section 57. Section 61-4-129, MCA, is amended to read:

"61-4-129. Assignment of demonstrator plates. (1) (a) A dealer or wholesaler may purchase a demonstrator ~~plates at plate~~ plate for a fee of \$5 ~~a plate~~.

(b) ~~Demonstrator plates~~ A demonstrator plate may not be issued to a new or used dealer whose business is restricted to the sale of power sports vehicles.

(2) (a) Except as provided in subsection (2)(c), ~~demonstrator plates~~ a demonstrator plate may be used on a motor vehicle displaying a Monroney label or a buyer's guide label, as required by 61-4-123(2), or a travel trailer that is:

(i) being demonstrated and offered for sale, for not more than 72 hours when operated by an individual holding a valid operator's license;

(ii) owned by the dealership when operated by an officer or bona fide full-time employee of the dealer or wholesaler and used to transport the dealer's or wholesaler's own tools, parts, and equipment;

(iii) being tested for repair;

(iv) being moved to or from a dealer's place of business for sale;

(v) being moved to or from service and repair facilities before sale; and

(vi) being moved to or from exhibitions within the state, provided the exhibition does not exceed a period of 20 days.

(b) Demonstrator plates may be used:

(i) on trailers being hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer;

(ii) on travel trailers held for sale to demonstrate the towing capability of the motor vehicle, for not more than 72 hours;

(iii) on any motor vehicle owned by the dealer that is used only to move a travel trailer that is in the dealer's inventory; and

(iv) on trailers being moved to or from exhibitions within the state if the exhibition does not exceed a period of 20 days.

(c) Extra demonstrator plates may be made available to dealers eligible for demonstrator plates under

subsection (2)(a) to provide to one or more service repair facilities to be used when moving a motor vehicle in the dealer's inventory to and from the dealer's place of business and the service and repair facility prior to sale. A motor vehicle displaying a demonstrator plates plate under this subsection is not required to have a Monroney label or a buyer's guide label as required by 61-4-123(2).

(d) A motor vehicle being operated in accordance with this subsection (2) need only display one demonstrator plate conspicuously on the rear of the motor vehicle."

Section 58. Section 61-4-130, MCA, is amended to read:

"61-4-130. Courtesy license plates -- issuance -- restrictions on use. (1) Upon application and payment of an annual fee of \$150 a set plate, the department may issue up to two ~~sets of~~ courtesy plates to a dealer.

(2) ~~Courtesy~~ A courtesy license ~~plates plate~~ may be displayed only on a motor vehicle that the dealer loans, without charge or fee, exclusively for religious, charitable, scientific, or educational purposes. A loan of a vehicle displaying a courtesy license plates plate may not exceed 30 days in a year.

(3) A dealer shall maintain records detailing to whom a vehicle bearing a courtesy plates plate has been loaned, the date of the loan, the date on which the vehicle bearing the courtesy plates plate is to be returned, and the actual date of the vehicle's return. These records must include the name, address, and telephone number of the person or entity to whom the vehicle has been loaned and the name of a contact person who will oversee the actual operation and use of the vehicle. The records are subject to audit by the department.

(4) It is the dealer's responsibility to ensure that a courtesy plates are plate is not used by an eligible person or entity for more than 30 days in a year.

(5) It is the responsibility of the person or entity to whom the vehicle bearing the courtesy plates plate was loaned to carry, while operating or in actual physical control of the vehicle, adequate proof of the status of the person or entity under this section.

(6) If a dealer allows a person or entity to operate or retain actual physical control of a vehicle bearing a courtesy plates plate in violation of this section, the department may suspend the right to use the courtesy plates for a period not to exceed 6 months."

Section 59. Section 61-4-221, MCA, is amended to read:

"61-4-221. Manufacturer's representative's license plates. (1) As used in 61-4-221 through 61-4-223,

1 "manufacturer's representative" means a resident of Montana who is an employee of a motor vehicle
2 manufacturer licensed under the provisions of 61-4-202 and whose responsibility includes coordinating and
3 promoting sales efforts with the manufacturer's dealers.

4 (2) Subject to the provisions of 61-4-221 through 61-4-223 and notwithstanding the provisions of Title
5 61, chapter 3, a manufacturer's representative who qualifies as provided in subsection (1) may display a
6 manufacturer's license ~~plates~~ plate on a motor vehicle used solely for business purposes.

7 (3) To qualify for the issuance and use of manufacturer's license plates by its manufacturer's
8 representatives, the manufacturer licensed under 61-4-202 shall apply on forms and in a manner prescribed by
9 the department and pay the fees provided for in 61-4-222."

10
11 **Section 60.** Section 61-4-222, MCA, is amended to read:

12 **"61-4-222. Fees.** (1) Upon making the application required under 61-4-221, the manufacturer shall pay
13 to the department a fee of \$250, which entitles the manufacturer to one ~~set of~~ license ~~plates~~ plate, and an
14 additional fee of \$20 for each additional ~~set of~~ license ~~plates~~ plate. The manufacturer may receive one ~~set of~~
15 license ~~plates~~ plate for each manufacturer's representative.

16 (2) The fees provided for in subsection (1) do not apply to the manufacturer of a personal watercraft as
17 defined in 23-2-502, a snowmobile as defined in 23-2-601, or an off-highway vehicle as defined in 23-2-801."

18
19 **Section 61.** Section 61-4-223, MCA, is amended to read:

20 **"61-4-223. Assignment of numbers.** (1) Upon the licensing of a manufacturer under 61-4-202, the
21 department shall assign to the manufacturer a distinctive serial number and, after payment of fees provided for
22 in 61-4-222, furnish every qualified manufacturer's representative of that manufacturer with one ~~set of~~ license
23 ~~plates~~ plate. ~~Assigned~~ An assigned license ~~plates~~ plate must be similar to the standard license ~~plates~~ plate
24 furnished to owners of motor vehicles but must bear, in addition to the serial number assigned to the
25 manufacturer, the letters "MFG".

26 (2) The department shall cause to be placed on each ~~set of~~ license ~~plates~~ plate issued to a manufacturer
27 a serial number assigned to the manufacturer and the actual number of license plates issued to the manufacturer.
28 The department shall provide registration ~~decals~~ decal bearing the appropriate county designation. The
29 registration decals must be affixed to the license ~~plates~~ plate in use in accordance with instructions by the
30 department.

(3) A manufacturer's representative who qualifies as provided in 61-4-221(1) may display a manufacturer's license ~~plates~~ plate on a motor vehicle held for bona fide sale or used solely in the conduct of the manufacturer's business and operated by or under the control of the manufacturer's representative.

(4) When the department has reasonable cause to believe, from an investigation made by it or information furnished to it by a sheriff or any other law enforcement officer, that a manufacturer has been improperly licensed, has used the manufacturer's license other than as authorized in this section, or is not qualified as a manufacturer under the requirements of this part, the department may revoke the manufacturer's license."

Section 62. Section 61-6-304, MCA, is amended to read:

"61-6-304. Penalties. (1) Conviction of a first offense under 61-6-301 or 61-6-302 is punishable by a fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more than 10 days, or both. A second conviction is punishable by a fine of \$350 or by imprisonment in the county jail for not more than 10 days, or both. A third or subsequent conviction is punishable by a fine of \$500 or by imprisonment in the county jail for not more than 6 months, or both.

(2) Upon a second or subsequent conviction under 61-6-301 or 61-6-302, the sentencing court shall order the surrender of the vehicle registration receipt and license ~~plates~~ plate for the vehicle operated at the time of the offense if that vehicle was operated by the registered owner or a member of the registered owner's immediate family or by a person whose operation of that vehicle was authorized by the registered owner. The court shall report the surrender of the registration receipt and license ~~plates~~ plate to the department, which shall immediately suspend the vehicle's registration. The vehicle's registration status may not be reinstated until proof of compliance with 61-6-301 is furnished to the department, but if the vehicle is transferred to a new owner, the new owner is entitled to register the vehicle. The surrendered license ~~plates~~ plate must be recycled or destroyed by the court unless the court decides to retain the license ~~plates~~ plate for the owner until the registration suspension has been completed or the requirements for a restricted registration receipt have been met. Upon proof of compliance with 61-6-301 and payment of fees required under 61-3-333 for a replacement license ~~plates~~ plate and registration decal and under 61-3-341 for a replacement registration receipt, during the period of 90 days from the date of a second conviction or 180 days from the date of a third or subsequent conviction, the department shall issue a restricted registration receipt to the offender. A restricted registration receipt limits the use of the motor vehicle operated at the time of the offense to use solely for employment purposes until the date

1 indicated on the restricted registration receipt.

2 (3) Upon a fourth or subsequent conviction under 61-6-301 or 61-6-302, the court shall order the
3 surrender of the driver's license of the offender, if the vehicle operated at the time of the offense was registered
4 to the offender or a member of the offender's immediate family. The court shall send the driver's license, along
5 with a copy of the complaint and the dispositional order, to the department, which shall immediately suspend the
6 driver's license. The department may not reinstate a driver's license suspended under this subsection until the
7 registered owner provides the department proof of compliance with 61-6-301 and the department determines that
8 the registered owner is otherwise eligible for licensure.

9 (4) The court may suspend a required fine only upon a determination that the offender is or will be unable
10 to pay the fine.

11 (5) A court may not defer imposition of penalties provided by this section.

12 (6) An offender is considered to have been previously convicted for the purposes of sentencing if less
13 than 5 years have elapsed between the commission of the present offense and a previous conviction."
14

15 NEW SECTION. **Section 63. Effective date.** [This act] is effective January 1, 2010.

16 - END -